

FEDERAL REGISTER

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Latest Revision

GUIDE TO RECORD RETENTION REQUIREMENTS

[Up-dated to January 1, 1961]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3416

FLAG DAY, 1961

By the President of the United States
of America

A Proclamation

WHEREAS the American flag is emblematic of a Nation indivisible, though its people are of diverse ethnic strains, races, and religions; and

WHEREAS our flag symbolizes the ideals of freedom, justice, and brotherhood, which are deeply rooted in our political and spiritual traditions and which have helped our country to become a land of progress and a rampart of liberty; and

WHEREAS in combat our flag has always been a guide and inspiration to our armed forces, who have given valiant expression to man's eternal striving for freedom; and

WHEREAS these times call for renewed vitality, moral fervor, and intellectual understanding to safeguard the ideals and principles which our flag represents; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day, in commemoration of the adoption of the flag of the United States by the Continental Congress on June 14, 1777, and requested the President to issue annually a proclamation calling for its observance:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Wednesday, June 14, 1961; and I call upon the people to observe that day with suitable ceremonies, including the display of the flag at their homes and other appropriate places.

I also urge our citizens to pause during this day and resolve always to sustain the allegiance of our hearts and minds toward our national banner and to cultivate the dynamic principles and ideals that it symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of May in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-5320; Filed, June 5, 1961;
4:32 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (23) of paragraph (a) of § 6.342 is revoked, subparagraph (26) of paragraph (a) is amended, and subparagraph (32) is added to paragraph (a) as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *
(26) One Private Secretary to the Assistant Administrator (Program for Community Improvement).

(32) One Assistant Administrator (Program for Community Improvement).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-5258; Filed, June 6, 1961; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraphs (20) and (23) of paragraph (a) of § 6.302 are revoked and subparagraph (28) is added to paragraph (a) as set out below.

§ 6.302 Department of State.

(a) *Office of the Secretary.* * * *
(28) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-5259; Filed, June 6, 1961; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (4) and (8) of paragraph (a) of § 6.303 are re-

voked, subparagraphs (1), (2), (3), (6), and (9) of paragraph (a) are amended, and subparagraph (13) is added to paragraph (a) as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* (1) Five Assistants to the Secretary.

(2) One Confidential Assistant to the Secretary.

(3) One Confidential Assistant to the Under Secretary.

(6) The Director, Office of Tax Legislative Counsel.

(9) The Director, Office of Law Enforcement Coordination.

(13) One Deputy Assistant Secretary for International Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-5260; Filed, June 6, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 14]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Farm Constitution Under the Feed Grain Program

Basis and purpose. This amendment is issued for the purpose of prescribing a provision governing farm constitutions directly related to participation in the feed grain program authorized by Public Law 87-5, approved March 22, 1961 (72 Stat. 994).

Since farmers are now engaged in farming operations directly related to the feed grain program, it is imperative that notice of this amendment be given as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 719.2(1)(2) (25 F.R. 1065) is amended by adding subparagraph (vi) at the end thereof to read as follows:

§ 719.2 Definitions.

(1) "Farm" means:

(2) *Farms constituted for the first time or reconstituted hereafter.* * * *

(vi) Separately owned land on which the landlord(s) refuse to participate in the feed grain program and which is a part of a multiple-ownership farm may be constituted as a separate farm for purposes of the feed grain program authorized under section 16(c) of the Soil Conservation and Domestic Allotment Act, as amended. This provision does not affect the farm constitution for other programs.

(Sec. 16(c), 49 Stat. 1151, as amended; 16 U.S.C. 590 p.)

Done at Washington, D.C., this 1st day of June 1961.

E. A. JENKE,
*Acting Administrator,
Commodity Stabilization Service.*

[F.R. Doc. 61-5263; Filed, June 6, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 767; Amdt. 294]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Aircraft

An unsafe condition has been reported involving Douglas DC-8 aircraft powered with P&WA JT3C-6 and JT4A Series engines, wherein the gust lock throttle interlock system permitted obtainment of high engine thrust with the gust locks engaged during a takeoff run. In view of the safety hazard involved, a directive is necessary requiring modification of the interlock system to further restrict engine thrust and prevent takeoff with gust lock engaged. Although the modification should be accomplished as soon as possible, consideration has been given to the availability of parts and scheduling the installation in establishing the compliance time.

As a situation exists which demands immediate adoption of this regulation in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Model DC-8 aircraft powered with P&WA JT3C-6 and JT4A Series engines.

Compliance required as indicated.

An instance has been reported wherein a takeoff was attempted with elevator gust lock engaged. It was found that the throttle interlock did not provide adequate restriction to limit engine thrust under the prevailing temperature condition. Unless already accomplished, the following modification or FAA approved equivalent, must be accomplished within the next 500 hours' time in service.

Modify the throttle interlock system to provide further restriction of the throttles when elevator gust lock is engaged by installing the following parts or equivalent:

Pushrod—Gust Lock Interlock Pedestal, P/N 3771190.

Adapter—Gust Lock Crank, P/N 4771191. Arm, P/N 2772271.

Per Douglas Drawing No. 5640901 Changes "CI" and "CK"—"Pedestal Assembly—Accessory Controls".

(Douglas Service Bulletin No. A27-99 dated April 3, 1961, also covers this same subject).

This amendment shall become effective June 7, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 31, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 61-5225; Filed, June 6, 1961;
8:45 a.m.]

[Reg. Docket No. 768; Amdt. 295]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Series Aircraft

It has been determined that the elevator inspection requirements for Fairchild F-27 Series aircraft in Amendment 82 (25 F.R. 377), as amended by Amendment 244 (25 F.R. 10927), are no longer applicable. The manufacturer has stated that all elevators have now been modified, including the cutting of inspection holes. Also, inquiries have revealed that no cracks have been found near the outboard hinge of the elevators since Amendment 224 was adopted. Accordingly, Amendments 82 and 224 are being superseded by a new directive extending the inspection intervals and deleting the requirements for removal of the outboard hinge bracket at every 250 hours' time in service. Since this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to all F-27 Series aircraft.

Compliance required as indicated.

(a) On elevators with Modification No. 1 in accordance with Fairchild Drawing 27-220001-91, -101, -111, -131, -141, -151, -181, -191, -231, or -241, conduct the following inspections on both elevators at each 75 hours' time in service commencing 75 hours'

time in service since the last similar inspection.

(1) Remove the bottom cover at the outboard hinge, Sta. 156.65. Replace cover after inspection and/or repairs are completed. Using a mirror and light, inspect the structure on the forward side of the middle spar in the area of the outboard hinge bracket for cracks in the spar web, cracks in the upper and lower flange radii of the spar, and cracks in the two adjacent ribs at their attachment to the forward side of the middle spar.

(2) Remove the plugs or buttons from the three holes in the bottom skin adjacent to the outboard hinge. Replace the three plugs or buttons after the inspection and/or repairs are completed. Using a borescope or equivalent, inspect for cracks in the middle spar, cracks in the two ribs adjacent to the hinge at their attachment to the aft side of the middle spar, and for cracks in the channel aft of the hinge.

(b) On elevators with Modification No. 2 in accordance with Fairchild Drawing 27-220001-251, -261, -271, or -281, conduct the following inspections on both elevators at each 150 hours' time in service commencing 150 hours' time in service since the last similar inspection.

(1) Remove the plugs or buttons from all the holes in the bottom skin adjacent to the outboard hinge. Replace all plugs or buttons after the inspection and/or repairs are completed. Using a borescope or equivalent, inspect for cracks in the web of the middle spar, cracks in the upper and lower flange radii of the spar, cracks in the ribs adjacent to the hinge, and cracks in the channel aft of the hinge.

(c) Elevators found to have cracks may not be used until repairs approved by the Federal Aviation Agency have been made.

(Fairchild Service Bulletin No. 27-21 revised April 26, 1961, covers this subject.)

This supersedes Amendment 82 (25 F.R. 377), and Amendment 224 (25 F.R. 10927).

This amendment shall become effective June 7, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 31, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 61-5226; Filed, June 6, 1961;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8089 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Liberty Electronics, Inc., and Mary Garrubbo

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misbranding or mislabeling: § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new*. Supart—

Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45). [Cease and desist order, Liberty Electronics, Inc., et al., Union, N.J., Docket 8089, Mar 21, 1961]

In the Matter of Liberty Electronics, Inc., a Corporation, and Mary Garrubbo, Individually and as an Officer of Said Corporation

Consent order requiring a Union, N.J., manufacturer of rebuilt television picture tubes containing used parts, to cease making, on labels on such rebuilt tubes and by other media, such statements as "This Is a Fully Guaranteed NEW Tube", " * * * a Brand New * * * Electronic World TV Picture Tube", and representing falsely thereby that the tubes were new in their entirety; and to disclose clearly, on the tubes themselves and on cartons and invoices and in advertising, that such tubes were rebuilt and contained used parts.

The order to cease and desist is a follows:

It is ordered, That respondents Liberty Electronics, Inc., a corporation, and its officers, and Mary Garrubbo, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rebuilt television picture tubes containing used parts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said television picture tubes are new;

2. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices, and in advertising that said tubes are rebuilt and contain used parts;

3. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of their television picture tubes.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Liberty Electronics, Inc., a corporation, and Mary Garrubbo, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision, as modified.

Issued: March 16, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-5232; Filed, June 6, 1961;
8:46 a.m.]

[Docket 8168 c.o.]

PART 13—PROHIBITED TRADE PRACTICES**Louis Hirschfield**

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-45 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Louis Hirschfield trading as L. Hirschfield, New York, N.Y., Docket 8168, Mar. 16, 1961]

In the Matter of Louis Hirschfield, an Individual Trading as L. Hirschfield

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by false identification in invoices of animals producing the fur in certain fur products, and by failing in other respects to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Louis Hirschfield, an individual trading as L. Hirschfield, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the transportation or distribution, in commerce, of fur, as "commerce" and "fur" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur by:

A. Failing to furnish to purchasers of fur, an invoice showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing or otherwise identifying any such fur as to the name or names of the animal or animals that produced the fur.

C. Setting forth information required to be disclosed under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 16, 1961.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-5233; Filed, June 6, 1961; 8:46 a.m.]

[Docket 7273 o.]

PART 13—PROHIBITED TRADE PRACTICES**Thomasville Chair Co.**

Subpart—Discriminating in price under § 2, Clayton Act—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.817 *Decreased brokerage*; § 13.822 *Lowered price to buyers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Thomasville Chair Company, Thomasville, N.C., Docket 7273, Mar. 15, 1961]

Order requiring a manufacturer of household furniture with factory at Thomasville, N.C., with gross sales in 1956 exceeding \$22,000,000, to cease violating section 2(c) of the Clayton Act by passing on to some of its retail furniture dealer customers a discount or lower price in lieu of a commission or brokerage; specifically, dividing its dealer customers into two groups and charging those on its "Jobber" price list—presumably making annual purchases in excess of \$50,000—5 percent less than the "Carload" list, and paying a commission of 6 percent on sales to the latter group, while paying only 3 percent on "Jobber" sales and unlawfully passing on the 3 percent difference to customers as part of their 5 percent lower price.

The order to cease and desist and order requiring compliance therewith are as follows:

It is ordered, That respondent, Thomasville Chair Company, a corporation, and its officers, agents and employees, directly or indirectly, or through any corporate or other device, in connection with the sale of household furniture in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, granting or allowing, directly or indirectly, to any buyer, or to any one acting for or on behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, by selling household furniture to any buyer at prices lower than the prices at which such furniture is sold to any other buyer, where such reduction in price reflects any saving in any sales commission or fee, or any part or percentage thereof.

It is further ordered, That respondent, Thomasville Chair Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 15, 1961.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 61-5234; Filed, June 6, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COUMARONE-INDENE RESIN

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Food Machinery and Chemical Corporation, 777 14th Street NW., Washington, D.C., and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive coumarone-indene resin. Therefore, pursuant to the provisions of the act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1050 Coumarone-indene resin.

The food additive coumarone-indene resin may be safely used on grapefruit, lemons, limes, oranges, tangelos, and tangerines in accordance with the following prescribed conditions:

(a) The food additive is manufactured by the polymerization of a crude, heavy coal-tar solvent naphtha meeting the following specifications:

(1) It is a mixture of indene, indan (hydrindene), substituted benzenes, and related compounds.

(2) It contains no more than 0.25 percent tar bases.

(3) 95 percent distills in the range 167° C.—184° C.

(b) The food additive meets the following specifications:

(1) Soft point, ring and ball: 126° C. minimum as determined by the American Society for Testing Materials Method No. E-28-51T.

(2) Refractive index ($\frac{n_D^{25}}{D}$) 1.63-1.64.

(c) It is used or intended for use as a protective coating for grapefruit, lemons, limes, oranges, tangelos, and tangerines whereby the maximum amount of the resin remaining on the fruit does not exceed 200 parts per million (0.02 percent) on a fresh-weight basis.

(d) To assure safe use of the additive:

(1) The label of the market package or any intermediate premix of the additive shall bear, in addition to the other information required by the act:

(i) The name of the additive, coumarone-indene resin.

(ii) A statement of the concentration of the additive therein.

(2) The label or accompanying labeling shall bear adequate directions that, if followed, will result in a finished food not in conflict with the requirements of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-5241; Filed, June 6, 1961;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHYLENE (20) SORBITAN
TRISTEARATE

Correction

In F.R. Doc. 61-5004, appearing at page 7739 of the issue for Tuesday, May 30, 1961, the following corrections are made in § 121.1009:

1. In the section heading and in the introductory paragraph, the words "sorbites monocleate" should read "sorbitan monocleate".

2. In the list of specifications in paragraph (b), the word "Hydrexyl" should read "Hydroxyl".

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL, MILITARY AND CIVILIAN

PART 137—USE OF MILITARY TITLES IN CONNECTION WITH COMMERCIAL ENTERPRISES

The Assistant Secretary of Defense (Manpower) approved the following on May 17, 1961:

Sec.
137.1 Policy.
137.2 Exclusions.

AUTHORITY: §§ 137.1 and 137.2 issued under R.S. 161, 5 U.S.C. 22.

§ 137.1 Policy.

(a) *Personnel on active duty.* Regular personnel, retired and reserve component personnel on extended active duty, officer and enlisted, are prohibited from using their military titles in connection with any commercial enterprise. Authorship of material for publication is exempted from this provision, but such material is subject to existing service regulations.

(b) *Personnel on inactive duty.* (1) Retired personnel on inactive duty, both regular and those of the reserve components, officers and enlisted, are permitted to use their military titles in connection with commercial enterprises, except as limited in § 137.2.

(2) Reserve component personnel on inactive duty, officer and enlisted, are permitted to use their military titles in connection with commercial enterprises, except as limited in § 137.2.

§ 137.2 Exclusions.

(a) This part does not negate the Military Departments' authority to restrict personnel in an inactive status from using their military titles in connection with public appearances in overseas areas.

(b) The use of military titles is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the Department of Defense.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F.R. Doc. 61-5224; Filed, June 6, 1961;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—APPLICATIONS AND ENTRIES [Circular 2062]

PART 103—ENTRIES SUBJECT TO SECTION 24 OF FEDERAL POWER ACT

On page 7680 of the FEDERAL REGISTER of August 12, 1960, there was published a notice and text of a proposed amendment of Part 103, Title 43, Code of Federal Regulations. The purpose of this amendment is to simplify and complete the text of existing regulations, to include reference to the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), and the regulations thereunder, and to require a \$10 service charge for petitions for restoration.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. Comments received were carefully studied and have been found to contain no suggestion that would justify modifica-

tion of the proposed regulations, and the proposed amendment is hereby adopted with the addition of the words "then, theretofore or thereafter" after the word "lands" in paragraph (b) of § 103.1. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 1, 1961.

Part 103 is revised to read as follows:

Sec.

103.1 Statutory authority.

103.2 Lands considered withdrawn or classified for power purposes.

103.3 General determination.

103.4 Mining locations.

103.5 Petitions for restoration.

AUTHORITY: §§ 103.1 to 103.5 issued under R.S. 2478; 43 U.S.C. 1201.

CROSS REFERENCES: For applications and entries, Alaska, see Part 60 of this chapter. For rights-of-way for power projects and for power transmission lines, see Part 244 of this chapter. For regulations of the Federal Power Commission, see 18 CFR Chapter I. For rights-of-way over Indian lands; power projects; see Indians 25 CFR 161.27.

§ 103.1 Statutory authority.

(a) Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, provides that any lands of the United States included in an application for power development, under said Act, shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States, until otherwise directed by the Federal Power Commission or by Congress. It also provides that whenever the Commission shall determine that the value of any lands withdrawn or classified for power purposes will not be injured or destroyed for such purposes by location, entry or selection under the public land laws, the Secretary of the Interior shall declare such lands open to location, entry or selection under such restrictions as the Commission may determine, and subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy and use any or all of such lands for power purposes. Before the lands are declared open to location, entry or selection, the Secretary of the Interior must give notice of his intention to make such declaration, to the Governor of the State within which such lands are located, and the State shall have a preference for a period of 90 days from the date of such notice to file under any applicable law or regulation, an application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

(b) The act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621) opened lands then, theretofore or thereafter withdrawn or classified for power purposes, with certain specified exceptions, to mineral location and development under certain conditions.

§ 103.2 Lands considered withdrawn or classified for power purposes.

The following classes of lands are considered as withdrawn or classified for power purposes for the purposes of section 24 of the Federal Power Act: Lands withdrawn for powersite reserves under the act of June 25, 1910 (36 Stat. 847) as amended by the act of August 24, 1912 (37 Stat. 497; 43 U.S.C. 141-143); lands included in an application for power development under the Federal Power Act; lands classified for powersite purposes under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31); lands designated as valuable for power purposes under the acts of June 20, 1910 (36 Stat. 557, 564, 575), June 9, 1916 (39 Stat. 218, 219), and February 26, 1919 (40 Stat. 1178, 1180); lands within final hydroelectric power permits under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959); and lands within transmission-line permits or approved rights-of-way under said act of 1901 or the act of March 4, 1911 (36 Stat. 1253; 16 U.S.C. 5, 420, 523; 43 U.S.C. 961).

§ 103.3 General determination.

On April 17, 1922, the Federal Power Commission made a general determination "that where lands of the United States have heretofore been, or hereafter may be, reserved or classified as powersites, such reservation or classification being made solely because such lands are either occupied by power transmission lines or their occupancy and use for such purposes has been applied for or authorized under appropriate laws of the United States, and such lands have otherwise no value for power purposes, and are not occupied in trespass, the commission determines that the value of such lands so reserved or classified or so applied for or authorized, will not be injured or destroyed for the purposes of power development by location, entry or selection under the public land laws, subject to the reservation of section 24 of the Federal Water Power Act."

§ 103.4 Mining locations.

The regulations governing mining locations on lands withdrawn or classified for power purposes, including lands restored under section 24 of the Federal Power Act, are contained in Subpart I of Part 185 of this chapter.

§ 103.5 Petitions for restoration.

(a) Petitions for restoration of lands withdrawn or classified for power purposes, under the provisions of section 24 of the Federal Power Act, must be filed, in duplicate, in the proper land office, or for lands in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that petitions for lands in North or South Dakota must be filed in the land office at Billings, Montana; for lands in Kansas or Nebraska in the land office at Cheyenne, Wyoming; and for lands for Oklahoma in the land office at Santa Fe, New Mexico. No particular form of petition is required, but it must be typewritten or in legible handwriting. Each petition must be accompanied by a service charge of \$10 which is not returnable.

(b) Favorable action upon a petition for restoration will not give the petitioner any preference right or right to preferential treatment if or when the lands are finally restored.

[F.R. Doc. 61-5235; Filed, June 6, 1961; 8:46 a.m.]

SUBCHAPTER T—SALE, LEASE, OR USE, AND ACQUISITIONS

[Circular 2063]

PART 254—RECREATION AND PUBLIC PURPOSES

Miscellaneous Amendments

On page 13981 of the FEDERAL REGISTER of December 30, 1960, there was published a notice and text of a proposed amendment of § 254 of Title 43, Code of Federal Regulations. The purpose of this amendment is to incorporate into the regulations the basic provisions of the acts of 1959 and 1960.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 1, 1961.

Sections 254.1, 254.2 and 254.3; paragraphs (c) and (f) of § 254.5; paragraph (b) of § 254.7; paragraph (e) of § 254.8; paragraph (c) of § 254.10; and § 254.13 are amended to read as follows:

§ 254.1 Statutory authority.

The act of June 14, 1926 (44 Stat. 741), as amended June 4, 1954 (68 Stat. 173), June 23 and September 21, 1959 (73 Stat. 110, 571), and September 13, 1960 (74 Stat. 899; 43 U.S.C. 869; 869:1-4), authorizes the Secretary of the Interior, under specified conditions, to lease or sell lands for recreational and public purposes. This legislation is referred to as "the act" in the regulations of this part.

§ 254.2 Who may apply.

The following are qualified to make applications under the act; States, Federal and State instrumentalities and political subdivisions, including counties and municipalities; and nonprofit associations and nonprofit corporations.

§ 254.3 Lands subject to disposition.

The act is applicable to any public domain lands except (a) lands withdrawn or reserved for national forests, national parks and monuments, and national wildlife refuges and (b) Indian lands and lands set aside or held for use by or the benefit of Indians. The act is applicable to the Oregon and California Railroad reversion grant lands and to the Coos Bay reconveyed wagon-road grant lands only insofar as it applies to leases of land to States and counties and to State and Federal instrumentalities

and political subdivisions and to municipal corporations.

§ 254.5 General limitations and conditions on dispositions.

* * * * *

(c) No applicant in any one calendar year can receive under the act patents for land except in conformance with the following:

(1) Any State may acquire in its own name, or in the name of its State park agency, or in the name of any other agency having jurisdiction over the State park system of said State designated by the Governor of the State as its sole representative for acceptance of lands under this provision for recreational purposes, not more than 6,400 acres involving not more than three sites, except that should any State fail in any one calendar year to receive the maximum herein specified, other than small roadside parks and rest sites, additional conveyances may be made thereafter to that State pursuant to any application on file with the Secretary of the Interior on the last day of said year, to the extent that the conveyances would not have exceeded the limitations of said year.¹ In addition, any State may acquire, in its own name or in the name of an agency or instrumentality of such State not more than 640 acres for each of its programs involving public purposes other than recreation.

(2) Any political subdivision of a State and any nonprofit corporation or nonprofit association may acquire in its own name for recreational purposes not more than 640 acres and for public purposes other than recreation an additional 640 acres.

* * * * *

(f) Municipal corporations cannot secure land under this act if it is not within convenient access to the municipality and within the same State as the municipality. Other qualified applicants cannot secure land outside of their political boundaries or other area of jurisdiction.

§ 254.7 Applications.

* * * * *

(b) The acreage applied for in any one application for patent cannot exceed 640 acres except that applications for patent for State park purposes may embrace as much as 6,400 acres, or where provided by law 12,800 acres.

§ 254.8 Purchase price and lease rentals.

* * * * *

(e) A patent applicant, when the land has been appraised, will be required to pay the full purchase price before the patent will be issued. The rental under a lease shall be payable in advance. Upon appraisal of the land, a lease applicant will be required to pay at least the first year's rental before the lease will be issued. Upon the voluntary relinquishment of a lease before the expiration of its term, any rental paid for the

¹ During calendar years 1960, 1961, and 1962, this limitation is increased to 12,800 acres involving not more than six sites, plus such acreage as may be needed for small roadside parks and rest sites of not more than 10 acres each.

unexpired portion of the term will be returned to the lessee upon a proper application for repayment to the extent that the amount paid covers a full lease year or years of the remainder of the term of the original lease.

§ 254.10 Publications; protests; patents; transfers.

(c) All patents under this act will contain a clause providing that if the patentee or its successor attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without consent of competent authority or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities thereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States. Transferees must meet all the qualifications of applicants under the act and will be subject to the terms and conditions of the regulations of this part.

§ 254.13 Cooperation with the National Park Service.

In the furtherance of the purposes of the act of June 23, 1936 (49 Stat. 1894; 16 U.S.C. 17k), the National Park Service will review and make recommendations on all applications for recreational purposes submitted by States or their political subdivisions.

[F.R. Doc. 61-5236; Filed, June 6, 1961; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2396]

[62375]

WYOMING

Revoking in Whole or in Part Certain Reclamation Withdrawals; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and section 24 of the Federal Power Act of June 10,

1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-121-Wyoming, it is ordered as follows:

1. The Departmental orders of August 5, 1905, and August 2, 1913, and the order of November 23, 1953, of the Bureau of Reclamation concurred in by the Bureau of Land Management on April 22, 1955, which withdrew lands for reclamation purposes in connection with the Shoshone Project, Wyoming, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 102 W.,
Sec. 4, NE¼ of lot 18 (now lot 23).
Containing 7.33 acres.

2. In DA-121-Wyoming, the Federal Power Commission determined that the value of the lands would not be injured or destroyed for purposes of power development by entry, location, or selection under the public land laws subject to section 24 of the Federal Power Act, supra. The lands are withdrawn in Power Site Reserve No. 348 of February 4, 1943.

3. The lands are located on the south side of the Shoshone River, approximately five miles southwest of Cody, Wyoming. Soil is heavy clay loam, and vegetation consists of native grasses and sagebrush.

4. Subject to the provisions of the said Section 24 of the Federal Power Act, the lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided, that, until 10:00 a.m. on November 30, 1961, the State of Wyoming shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State may also apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for rights-of-way or for materials sites, in accordance with the provisions of section 24 of the Federal Power Act, supra.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to loca-

tion under the United States mining laws on November 30, 1961, subject to the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 1, 1961.

[F.R. Doc. 61-5237; Filed, June 6, 1961; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 290—FORMS

Construction-Differential Subsidy Construction Contract; General Provisions

The following new § 290.1 is hereby added to this Part 290:

§ 290.1 Construction-Differential Subsidy Construction Contract; Part II, General Provisions.

(a) The Federal Maritime Board on May 25, 1961, adopted as supplemental to the existing form of Construction-Differential Subsidy Agreements under Title V, Merchant Marine Act, 1936, as "Federal Maritime Board—Construction-Differential Subsidy Construction Contract Part II, General Provisions (Approved May 25, 1961)".

(b) Copies of the form, identified as Part II, General Provisions, may be obtained by persons having a proper interest upon application to the Secretary, Federal Maritime Board, Washington 25, D.C.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: June 2, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-5257; Filed, June 6, 1961; 8:50 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 216]

[Docket No. R-196]

LIST OF UNITS OF PROPERTY FOR USE IN CONNECTION WITH UNI- FORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Notice of Proposed Rule Making

1. Notice is hereby given of the proposed rule making in the above-entitled matter.

2. It is proposed to amend, Part 216—Units of Property for Use in Accounting for Additions to and Retirements of Gas Plant, of Subchapter F—Accounts, Natural Gas Act, of Chapter I—Federal Power Commission, Title 18—Conservation of Power, of the Code of Federal Regulations to prescribe revised regulations and instructions governing list of units of property for use in connection with this Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, effective January 1, 1961.

3. The aforesaid Part 216 of said title and code corresponds to and appears as Appendix I, Retirement Units, at pages 161-176 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Natural Gas Companies subject to the Provisions of the Natural Gas Act effective January 1, 1940, with amendments effective January 1, 1954. The aforesaid Retirement Units or List of Units of Property was prescribed by Commission Order No. 69, of November 3, 1939, effective January 1, 1940 (4 F.R. 4764, December 5, 1939), and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8653, December 19, 1947). The proposed revision does not follow the numbering system employed in the Code of Federal Regulations, but follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition, referred to above.

4. Gas Plant Instruction 10A of the Uniform System of Accounts, effective January 1, 1961, provides that each natural gas company shall use such list of retirement units as is in use by it at the effective date of the aforesaid Uniform System of Accounts, or as may be prescribed by the Commission. The proposed List reflects a thorough review of the List prescribed in 1939 in the light of changes which have occurred in the natural gas industry since that time and in the light of changes in Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, effective January 1, 1961.

5. The general purpose of the proposed revision is to incorporate additions, deletions, condensations, editorial clarifica-

tions, and general improvement in textual material, all as indicated to be necessary and desirable from our experience over the past 21 years, without change in the basic principles of the present List of Units of Property. The more important revisions may be stated briefly as follows:

(a) Reference to the new account numbers adopted in the Uniform System of Accounts Prescribed for Natural Gas Companies, effective January 1, 1961;

(b) A list of general retirement units to avoid the use of repetitive listings under several accounts of property units common to more than one account; and

(c) In most cases, the items lists have been reworded to make them clearer and easier to use.

6. The proposed List and Instructions conform basically to the list of units of property adopted by the National Association of Railroad and Utilities Commissioners earlier this year.

7. The appended revised List of Units of Property for Use in Connection With Uniform System of Accounts For Natural Gas Companies, effective January 1, 1961, is proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 thereof (52 Stat. 825, 826, and 830; 15 U.S.C. 717g, 717i, and 717o).

8. Any interested person may submit to the Federal Power Commission not later than July 14, 1961, data, views, and comments in writing concerning the proposed List of Units of Property. An original and 9 copies should be filed with any such submittals. The Commission will consider these written submittals before acting on the proposed List of Units of Property.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

JUNE 2, 1961.

LIST OF UNITS OF PROPERTY FOR USE IN CONNECTION WITH UNI- FORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES EF- FECTIVE JANUARY 1, 1961

Retirement Units for Use in Account- ing for Additions and Retirements of Gas Plant

INSTRUCTIONS

1. The retirement units listed herein are prescribed and are to be accounted for in accordance with Gas Plant Instruction 10, Additions and Retirements of Gas Plant, of the Uniform System of Accounts for Natural Gas Companies.

2. The list of units may be expanded by any utility without other authorization from the Commission, but the list shall not be condensed. Thus the units listed herein are of maximum size and while subdivision thereof, or of the addition of other units is permitted, the combination or the increase in size of such

units is not permitted without the approval of the Commission.

3. Wherever appropriate, the retirement of any retirement unit in the structures or equipment accounts shall include all costs of associated items which pertain solely to that unit, such as the cost of foundations, supports, ladders, runways, enclosures, guards, driving mechanisms, indicating, recording, and measuring devices with their mountings, starting, control, regulating, protective, and safety devices, switchboards, special lighting conduits and wiring, pipes, ducts, spouts, chutes, hoppers, etc.

4. The appearance of a retirement unit under an account warrants the inclusion of the unit in the account mentioned only when the text of the account also indicates the inclusion as the same unit frequently appears under more than one account.

The omission of an item from the list in an account or its inclusion in a functional system does not preclude its treatment as a retirement unit if it is relatively costly and not an integral part of a larger retirement unit. The List of General Retirement Units, instruction 6 below, should be read in connection with the lists under the respective accounts since in some cases retirement units have not been separately listed because they appear in the List of General Retirement Units and are common to more than one account. Likewise the List of General Retirement Units and these instructions should be considered in connection with listed retirement units designated as "system," etc. In these cases, particularly if "system," etc., be extensive, a component of such system, such as a relatively costly piece of apparatus not an integral part of a larger retirement unit, or a unit specified in the List of General Retirement Units, should be separately treated as a retirement unit.

5. It is contemplated that the list of units contained herein will be revised and amended from time to time as experience and conditions warrant.

NOTE A: The term "relatively costly" applies to the relationship of the cost of the item to the cost of other items in that particular account or sub-account for the particular station or plant.

NOTE B: The term "integral part" is used in a physical rather than a functional sense. For instance, both the pump and heat exchanger mounted separately in a vaporizing system will be considered retirement units, as contrasted with a packaged unit where both would be considered an integral part of the package.

6. List of General Retirement Units:
In all accounts where they occur, the following shall be considered a retirement unit, if relatively costly and not an integral part of the retirement unit specifically listed.

(1) Assembly for two or more retirement units.

(2) Blower or fan.

(3) Control installation, automatic, semi-automatic, or remote (such as pres-

sure, speed, level, weight and volume regulators).

(4) Coupling device, i.e., speed reducer, speed increaser, clutch coupling, etc.

(5) Driving unit, i.e., prime mover, motor, gas engine, etc.

(6) Enclosure for two or more retirement units (fence, guard railing, etc.)

(7) Foundation for a unit of equipment, when not an integral part of a building and its usefulness is not intended to outlast the equipment for which provided.

(8) Instrument or device for indicating, measuring, recording or weighing.

(9) Landscaping (complete at one location).

(10) Plant piping, a run of any system (oil, gas, steam, water, etc.), 6 inches or over in size, with or without valves, between two or more retirement units of property, and/or a header. (See Note A and item 16.)

(11) Piping header, 6' and over in size, with or without valves and blocking. (See Note A and item 16.)

(12) Platforms, ladders, stairs, runways (complete section).

(13) Pump.

(14) Road, walk, parking lot, etc.

(15) Tank, vessel, bin, sphere, holder, etc.

(16) Valve, power operated, pressure reducing, atmospheric relief, 6 inch nominal pipe size and larger or relatively costly valve.

NOTE A: Whenever appropriate, the "piping" cost of additions and retirements shall include all costs for pipes, valves, fittings, specials, covering, hangers, supports, etc., pertaining to the run or header in question.

LIST OF RETIREMENT UNITS

(The article a, an, or the, as appropriate, should be read in connection with each retirement unit of property listed herein)

2. PRODUCTION PLANT

A. MANUFACTURED GAS PRODUCTION PLANT

Retirement Units

305 Structures and Improvements—Manufactured Gas.

1. Air conditioning, ventilating system, heating system, or any combination thereof.

2. Bin or bunker (when part of structure framework).

3. Bridge, trestle, etc.

4. Bulkhead, retaining wall, etc.

5. Canal, dam, dock, pier, wharf, etc.

6. Drainage and sewerage system.

7. Elevator, crane, hoist, etc., complete with operating mechanism.

8. Equipment item, such as, a generator, engine, turbine, compressor, or similar item of equipment includible in structures, with or without associated wiring, control equipment, etc.

9. Fence complete with gates.

10. Fire escape system.

11. Fire protection system.

12. Foundation (equipment) when includible in structure.

13. Light and power system complete.

14. Plumbing system.

15. Refrigeration system.

16. Railroad or track system, including culverts, etc.

17. Relief holder.

18. Roof, with or without supporting members. (A structure of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of structures to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.)

19. Structure complete, with or without stack or chimney.

20. Tunnel, pipe line, etc.

21. Vacuum cleaning system.

22. Water basin or reservoir.

23. Water supply system, including well.

24. Yard drainage system.

25. Yard lighting system.

306 Boiler Plant Equipment.

A. Steam Boiler Installation:

1. Boiler (each) complete with fuel burning equipment, furnace, furnace walls or arches, setting, grates, etc.

2. Desuperheater.

3. Foundation, boiler, when independent of structure.

4. Reheater, when separate from boiler.

5. Soot blower system for one boiler.

6. Superheater, when separate from boiler.

B. Draft Equipment:

1. Air duct system.

2. Air heater.

3. Breaching system.

4. Cinder or fly ash collecting equipment, such as, cinder catcher, precipitator, hopper concentrator, etc.

5. Stack, with or without foundation.

C. Feed Water System:

1. Deaerator.

2. Economizer, when separate from boiler.

3. Heater, feed water (main or stage).

4. Heat exchanger.

5. Regulator, feed water.

D. Coal Fuel Equipment:

1. Bin or bunker not includible in structures.

2. Bin unloader.

3. Barge.

4. Capstan, winch or power moving equipment.

5. Car, lorry.

6. Car dumper, puller, shaker, thawing system, etc.

7. Chutes or spouts, system of.

8. Coal moving equipment (bulldozer, carry-all, tractor, drag scraper, etc.).

9. Conveyor system (belt, cable way, portable, screw, etc.).

10. Crane (locomotive, gantry or monorail).

11. Crusher.

12. Dust collecting unit.

13. Electric trolley or third rail system.

14. Elevator (vertical, bucket, skip hoist).

15. Gates, chutes, downtakes, spreaders, or hoppers, for one boiler.

16. Hoist, or derrick.

17. Hopper, track or weigh.

18. Locomotive.

19. Sampling system.

20. Screening or sizing installation.

21. Separator, magnetic.

22. Structure, fuel handling (not includible in structures account).

23. Track system.

24. Trestle.

25. Weighing device, including track scale, coal meter, etc.

E. Pulverized Fuel Equipment:

1. Air filter or washer.

2. Air preheater.

3. Air compressor.

4. Conveyor.

5. Chutes, ducts or transport pipes, system of.

6. Coal feeder, raw or powdered.

7. Crusher.

8. Dryer.

9. Hopper or bin.

10. Pulverizer.

11. Screening or sizing installation.

12. Separator, electric or mechanical (dust collector or concentrated).

F. Oil Fuel Equipment:

1. Heater.

NOTE: See list of general retirement units.

G. Gas Fuel Equipment:

NOTE: See list of general retirement units.

H. Ash Handling Equipment:

1. Ash hopper (when not includible in structure).

2. Car.

3. Clinker grinder.

4. Conveyor or elevator.

5. Crane hoist or derrick.

6. Dust collecting system.

7. Electric trolley or third rail system.

8. Locomotive.

9. Removal system (vacuum, steam jet, or hydraulic).

10. Sluiceway or piping system.

11. Storage bin or pit.

12. Sump dredge.

13. Track system.

I. Water Supply and Purification System:

1. Pipe or tunnel, intake or discharge (when not includible in structure).

2. Water softener or purification system, including demineralizer, etc.

3. Well.

NOTE: See list of general retirement units.

J. Ventilating Equipment:

1. Air duct system.

2. Cooler or heater.

3. Washer.

K. Controls:

1. Automatic control installation.

2. Master controller installation.

3. Panel or panels, devoted to a single purpose, with equipment associated thereto.

L. Boiler Plant Piping and Miscellaneous:

NOTE: See list of general retirement units.

307 Other Power Equipment.

A. Steam Power Equipment:

a. Engine-driven generating installation:

1. Drive or connection between engine and generator.

2. Engine.

3. Exciter, direct connected or belt-driven.

4. Foundation, independent of structure.

5. Generator.

6. Governor control system.
- b. Turbo-generator installation:
 1. Equipment, starting and turning.
 2. Exciter, direct connected or belt-driven.
3. Foundation, independent of structure.

4. Generator.
5. Governor control system.
6. Turbine.
- c. Condensing and Cooling Water System:

1. Air ejector apparatus for one condenser.
2. Condenser.
3. Condenser tube protective system (chemical, electric, electrolytic, etc.).
4. Cooling tower.
5. Intake or discharge, screen and mechanism.

6. Spraying system.
- d. Central generator cooling system:
 1. Air duct system.
 2. Air washer.
 3. Cooler.
 4. Hydrogen system.
- e. Central lubricating system:
 1. Accumulator.
 2. Cooler.
 3. Purifier or filter.
- f. Controls:
 1. Panel or panels, devoted to a single purpose, with equipment associated thereto.

- g. Engine and turbine plant piping and miscellaneous:

NOTE: See list of general retirement units.

B. Gas and Oil Power Equipment:

- a. Internal Combustion Engine:
 1. Air intake equipment for one engine.
 2. Engine, with or without foundation.
 3. Governor control system.
 4. Heat exchanger.
 5. Muffler.
 6. Stack.
 7. Starting and turning equipment.
 8. Panel or panels and instruments for one engine.

- b. Central lubricating system:

1. Cooler.
2. Piping system, oil.
3. Purifier or filter.

c. Central cooling water system:

1. Heat exchanger.
2. Piping system, cooling water.
3. Purification system, water.
4. Spraying system.
5. Tower, cooling.

d. Central starting system:

1. Compressor.
2. Piping system, starting.
- e. Central intake air supply:

1. Air duct system.
2. Air filter or screen.
3. Silencer.

f. Central exhaust gas system:

1. Heat exchanger or waste heat boiler.

2. Muffler.
3. Piping system, exhaust.
4. Stack.

- g. Fuel holders, producers, and accessories:

1. Boiler, heating.
2. Booster.
3. Compressor.
4. Heater, not a part of tank.
5. Holder.

6. Piping system, fuel oil.
7. Piping system, gas.
8. Purifier.
9. Regenerator.
10. Scrubber or washer.
11. Vaporizing unit for butane gas.

- C. Generators:
 1. Exciter, direct connected or belt driven.
 2. Generator.

3. Panel or panels devoted to a single purpose, with equipment accessory thereto.

D. Accessory Electric Equipment:

1. Air compressor.
2. Air duct system.
3. Auxiliary generator set.
4. Battery charging set.
5. Capacitor, set or bank of.
6. Condenser, synchronous.
7. Conduit, with or without manholes, pullboxes and risers—continuous run between retirement units, or complete functional system, if appropriate.

8. Control installation, system operators.

9. Converter, synchronous or rotary.
10. Exciter, separately driven.
11. Fire protection system.
12. Frequency changer.
13. Frequency control system.

14. Fuse equipment, set of high tension.

15. Generator voltage regulator system.

16. Induction regulator.

17. Lightning arrester, 23KV or higher, set of.

18. Lighting system.

19. Oil circuit breaker or oil switch.

20. Panel or panels, devoted to a single purpose, with electric equipment accessory thereto.

21. Pole line, including attachments, conductors and supports.

22. Reactor or resistor.

23. Rectifier.

24. Storage battery, set or bank for station control and power.

25. Structure forming a support for one or more units of equipment.

26. Switches, airbreak, grounding or set of disconnecting.

27. Switchgear (compartment, cubicle, etc.) complete assembly.

28. Telemetering equipment, each installation.

29. Testing equipment, set of.

30. Truck switch with wiring and instruments.

31. Transformer, not accessory to a panel.

32. Unit station complete.

33. Wire and cable, including accessories—continuous run between retirement units, or complete functional system, if appropriate.

E. Miscellaneous Power Plant Equipment:

Each principal item, system or set of equipment such as:

1. Air compressor.
2. Air conditioning or ventilating equipment (portable).
3. Barge, boat, or similar item of marine equipment.

4. Car, railway.

5. Communication system, station signal or call.

6. Compressed air system.

7. Crane, hoist or derrick.
8. Exhaust heat exchanger.
9. Fire protection equipment (general station use).
10. Laboratory equipment, principal item, such as drying oven, calorimeter, etc.

11. Locomotive.
12. Oil reclaiming installation.
13. Tool, each principle item, such as forge, lathe, drill press.
14. Vacuum cleaning system.

NOTE: If any of the units of property listed above are a part of a structure and includible in account 305 Structures and Improvements, they shall be accounted for through that account.

308 Coke Ovens.

1. Bunker or bin (when independent of structure).
2. Charging lorry.
3. Clay mixer.
4. Coke oven.
5. Conveyor.
6. Door extractor.
7. Hydraulic main for one oven.
8. Pusher.
9. Quenching car.
10. Quenching tower.
11. Regenerator.
12. Reversing damper installation.
13. Wharf.

309 Producer Gas Equipment.

1. Bunker or bin (when independent of structure).
2. Condenser or cooler.
3. Conveyor.
4. Driving apparatus or linkage for one producer.
5. Producer.
6. Producer gas holder.
7. Scrubber.
8. Separator.

310 Water Gas Generating Equipment.

1. Automatic charger.
2. Automatic control.
3. Backrun valve.
4. Bunker or bin (when independent of structure).
5. Carburetor.
6. Control panel or board.
7. Dust collector.
8. Fuel and ash handling system.
9. Generator.
10. Hoist or elevator.
11. Oil heater.
12. Seal pot.
13. Superheater.

311 Liquefied Petroleum Gas Equipment.

1. Boiler.
2. Bottling apparatus installation.
3. Compressor.
4. Calorimixer.
5. Carbureting system.
6. Heater.
7. Heat exchanger.
8. Mixing system.
9. Odorizing system.
10. Prime mover.
11. Proportioning system.
12. Superheater.
13. Storage system.
14. Vaporizing system.

312 Oil Gas Generating Equipment.

Use equivalent or similar units for other accounts.

313 Generating Equipment—Other processes.

Use equivalent or similar units for other accounts.

314 Coal, Coke and Ash Handling Equipment.**A. Dock Equipment:**

1. Bridge.
2. Capstan or winch, power.
3. Conveyor.
4. Crane.
5. Elevator.
6. Loading tower.
7. Unloading device.

B. Loading and Grading Equipment:

1. Bin.
2. Bin unloader.
3. Chute.
4. Complete screen.
5. Crusher.
6. Grizzly.
7. Separator.
8. Skip hoist.

C. Yard Equipment:

1. Bridge.
2. Car.
3. Car puller.
4. Conveyor.
5. Conveyor structure.
6. Hoist.
7. Locomotive.
8. Pulverizing system.
9. Railroad siding.
10. Scales (platform, track, or other).
11. Signal system.
12. Track hopper.
13. Tractor.
14. Trestle.

315 Catalytic Cracking Equipment.

1. Air dryer.
2. Air proportioning machine.
3. Alarm system.
4. Boiler.
5. B.t.u. adjuster.
6. Calorimixer.
7. Catalytic furnace.
8. Compressor.
9. Condenser.
10. Cooler.
11. Cooling tower.
12. Cooling tower basin.
13. Crane.
14. Fractionalizing towers.
15. Filter.
16. Heater.
17. Heat exchanger.
18. Panel or panels, devoted to a single purpose, with equipment.
19. Separator.
20. Spray pond.
21. Turbine.
22. Unloading station.
23. Vaporizer.
24. Washer cooler.
25. Water treatment plant.
26. Well.

316 Other Reforming Equipment.

Use equivalent or similar units shown for other accounts.

317 Purification Equipment.

1. Absorber or adsorber.
2. Actifyer.
3. Compressor.
4. Condenser.
5. Cooling coil.
6. Decanter.

7. Filter.
8. Oxide conditioner.
9. Purifying box.
10. Precipitator.
11. Scrubber.
12. Signal system.
13. Spray pond.
14. Stack.
15. Thionizer.
16. Tar extractor.
17. Washbox.
18. Washer cooler.
19. Well.

318 Residual Refining Equipment.**A. Ammonia Recovery Apparatus:**

1. Absorber or adsorber.
2. Condenser.
3. Decanter.
4. Drier.
5. Extractor.
6. Fixed still.
7. Free still.
8. Heat exchanger.
9. Lime leg.
10. Lime mixer.
11. Well.

B. Other Refining Equipment:

Use equivalent or similar units shown for other accounts.

C. Phenol Recovery Apparatus:

Use equivalent or similar units shown for other accounts.

D. Sulphur Recovery Apparatus:

1. Autoclave.
2. Bin.
3. Filter.
4. Washer.

E. Tar Refining Apparatus:

1. Centrifuge.
2. Condenser.
3. Cooler.
4. Dehydrator.
5. Heater.
6. Still pot.
7. Well.

319 Gas Mixing Equipment.

1. Alarm system.
2. Alcohol units.
3. Calorimeter.
4. Compressor.
5. Control system.
6. Mixing system.
7. Odorizing system.
8. Oil fogger.
9. Scrubber.

320 Other Equipment.

Each principal item, system or set of equipment such as:

1. Communication system.
2. Compressed air system.
3. Fire protection system.
4. First aid equipment.
5. Gasoline pump.
6. Machine shop equipment.
7. Odorizing equipment.
8. Office furniture and equipment.
9. Oil fogger.
10. Power equipment (portable).
11. Production laboratory equipment.
12. Signal system.
13. Telemetering equipment.
14. Works exhaustor.

B. NATURAL GAS PRODUCTION PLANT**B-1. Natural Gas Production and Gathering Plant****326 Gas Well Structures.****327 Field Compressor Station Structures.****328 Field Measuring and Regulating Station Structures.****329 Other Structures.**

(See Acct. 366—Transmission Structures and Improvements.)

330 Producing Gas Wells—Well Construction.

1. Well. (Includes only costs incident to drilling well.)

331 Producing Gas Well—Well Equipment.

1. Bailing equipment.
2. Boiler or heater, complete with accessories.
3. Casing head valve assembly, Christmas Tree.
4. Casing.
5. Derrick.
6. Pumping outfit.
7. Separator.
8. Tubing.

332 Field Lines.

(See Acct. 367—Transmission Mains for applicable retirement units of property.)

333 Field Compressor Station Equipment.

(See Acct. 368—Transmission Compressor Station Equipment for applicable retirement units of property.)

334 Field Measuring and Regulating Station Equipment.

(See Acct. 369—Transmission Measuring and Regulating Station Equipment for applicable retirement units of property.)

335 Drilling and Cleaning Equipment.

1. Bailing machine complete.
2. Boiler complete with accessories.
3. Derrick, hoist or crane.
4. Drilling machine or rig.
5. Special equipment, such as mud or water tanks, blowout preventors, etc.
6. Tanks, pumps, etc.

336 Purification Equipment.

1. Boiler complete with accessories.
2. Cooling tower, basin or pond.
3. Gas cleaner, cooler, separator, scrubber, etc.
4. Heat exchanger, fuel gas, oil and water cooling, etc.
5. Panel or panels, devoted to a single purpose, with equipment associated thereto such as instruments, wiring, etc.
6. Piping.
7. Portable or packaged unit.
8. Power and light system complete.
9. Still or reboiler.
10. Sulphur removal apparatus.
11. Tank or vessel.

337 Other Equipment.

(See Acct. 371—Transmission Other Equipment for applicable retirement units of property.)

B-2. Products Extraction Plant**341 Structures and Improvements.**

(See Acct. 366—Transmission Structures and Improvements for applicable retirement units of property.)

342 Extraction and Refining Equipment.

1. Absorber, adsorber, reabsorber, still, dephlegmator, etc.
2. Air compressor, with or without driving unit and accessories.
3. Boiler complete with accessories.
4. Communication equipment, intra-station.
5. Cooling facilities; cooling tower, basin, pond, induced draft apparatus, etc.
6. Crane, trolley and hoist, etc.
7. Fire protection equipment.
8. Fuel measuring and regulating equipment. (See Acct. 369 for applicable units.)
9. Foundation.
10. Fractionating tower.
11. Furniture and fixtures and general equipment, etc. (See Accts. 391 and 398 for applicable units.)
12. Gas compressor, with or without driving unit and accessories.
13. Heat exchanger, fuel gas, oil, or water cooling, etc.
14. Loading rack complete.
15. Panel or panels, devoted to a single purpose with equipment associated thereto such as instruments, wiring, etc.
16. Plant piping.
17. Power and light system.
18. Power generating equipment. (See Acct. 307 for applicable retirement units.)
19. Portable or package unit.
20. Pump, with or without driving unit and accessories.
21. Tank or vessel.
22. Water treatment system.
23. Water supply system.

343 Pipe Lines.

(See Acct. 367—Transmission Mains for applicable retirement units of property.)

344 Extracted Products Storage Equipment.

1. Foundation.
2. Regulator.
3. Tank or vessel.
4. Underground cavern.

345 Compressor Equipment.

(See Acct. 368—Transmission Compressor Station Equipment for applicable retirement units of property.)

346 Gas Measuring and Regulating Equipment.

(See Acct. 369—Transmission Measuring and Regulating Station Equipment for applicable retirement units of property.)

347 Other Equipment.

(See Acct. 371—Transmission Other Equipment for applicable retirement units of property.)

3. STORAGE PLANT**A. UNDERGROUND STORAGE PLANT****351 Structures and Improvements.**

(See Acct. 366—Transmission Structures and Improvements for applicable retirement units of property.)

352 Wells.

1. Bailing equipment.
2. Boiler or heater.

3. Casing.
4. Casing head valve assembly (Christmas Tree).
5. Derrick.
6. Separator.
7. Tubing.
8. Well (all intangible costs).

353 Lines.

(See Acct. 367—Transmission Mains for applicable retirement units of property.)

354 Compressor Station Equipment.

(See Acct. 368—Transmission Compressor Station Equipment for applicable retirement units of property.)

355 Measuring and Regulating Equipment.

(See Acct. 369—Transmission Measuring and Regulating Station Equipment for applicable retirement units of property.)

356 Purification Equipment.

(See Acct. 336—Natural Gas Production Purification Equipment for applicable retirement units of property.)

357 Other Equipment.

(See Acct. 371—Transmission Other Equipment for applicable retirement units of property.)

B. LOCAL STORAGE PLANT**361 Structures and Improvements.**

(See Acct. 366—Transmission Structures and Improvements for applicable retirement units of property.)

362 Gas Holder.

1. Buried pipe holder (each bank or group).
2. Fire protection equipment.
3. Foundation, including pit and tank where integral with foundation.
4. Holder.
5. Holder heating system.
6. Hortonsphere and/or high pressure tanks.
7. Underground cavern.

363 Other equipment.

(See Acct. 371—Transmission Other Equipment for applicable retirement units of property.)

4. TRANSMISSION PLANT**366 Structures and Improvements.****366.1 Compressor Station Structures.****366.2 Measuring and Regulating Station Structures.****366.3 Other Structures.**

NOTE: Many retirement units set forth in the following detail indicate the basic intention of treating relatively costly items as retirement units wherever they occur. Under certain conditions some small items, even though specifically listed, shall be considered part of larger units where they are not relatively costly (for instance, minor landscaping, equipment accessories, etc.) or where they are essentially packaged type units.

1. Air conditioning system, ventilating system, heating system, or any combination thereof.
2. Bin or bunker (when part of structure framework).
3. Bridge, trestle, etc.

4. Bulkhead, retaining wall, etc.
5. Canal, dam, dock, pier, wharf, etc.
6. Drainage and sewerage system.
7. Elevator, crane, hoist, etc., complete with operating mechanism.
8. Equipment item, such as, a generator, engine, turbine, compressor, or similar item of equipment includible in structures, with or without associated wiring, control equipment, etc.
9. Fence complete with gates.
10. Fire escape system.
11. Fire protection system.
12. Foundation (equipment) when includible in structure.
13. Light and power system complete.
14. Plumbing system.
15. Refrigeration system.
16. Railroad or track system, including culverts, etc.
17. Roof, with or without supporting members. (A structure of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of structures to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.)
18. Structure complete, with or without stack or chimney.
19. Tunnel, pipe line, etc.
20. Vacuum cleaning system.
21. Water basin or reservoir.
22. Water supply system, including well.
23. Yard drainage system.
24. Yard lighting system.

367 Mains.

1. Bridge, trestle, catenary suspension or other special overhead crossing structure.
2. Cathodic protection equipment; rectifier complete with transformer, or other power facility, including ground bed. (See item 8 below.)
3. Crossover or tie-over.
4. Drip. (See item 8 below.)
5. Header or other special construction feature.
6. Multiple mains connected to headers or other expensive construction feature.
7. Pigging or special cleaning assembly.
8. Pipe, 100 ft. length (may include pipe, fittings, specials, drips, joints, blocking, cathodic protection, clamps, and other accessory items).
9. Revetment.
10. River crossing, aerial or submerged including header.
11. Scrubber, dust catcher or cleaner.
12. Tank or vessel.
13. Tunnel.
14. Valve, power operated, with or without appurtenant fittings, by-passes and platforms, 6" and larger. (See item 8 above.)

368 Compressor Station Equipment.

- A. Compressor Equipment:**
1. Aeration tower.
 2. Aftercooler.
 3. Air cleaner, with or without piping.
 4. Air compressing unit, with or without prime mover and accessories.

5. Agitator complete with motor and accessories.

6. Boiler complete (heating).

7. Boiler plant equipment. (For applicable retirement units of property see Account 306—Boiler Plant.)

8. Cathodic protection equipment; rectifier complete with transformer, or other power facility, and ground bed.

9. Chlorinator.

10. Compressor—Gas, with or without prime mover and accessories.

11. Cooling coil.

12. Cooling tower basin.

13. Cooling tower superstructure.

14. Coupling device, i.e. speed reducer, speed increaser, clutch coupling, etc.

15. Demineralizer.

16. Driving unit—prime mover.

17. Exciter.

18. Fan or blower, with or without prime mover and accessories.

19. Fin fan structure complete with supports.

20. Foundation.

21. Gauge board, panel or panels, devoted to a single purpose, with equipment accessory thereto.

22. Generator, with or without driving unit and accessories.

23. Heater, gas, complete with packing glands.

24. Heat exchanger.

25. Lube oil cooler, with or without piping.

26. Lube oil filter, with or without piping.

27. Main Switchboard—panel or panels, devoted to a single purpose, with equipment accessory thereto.

28. Meter, displacement, or orifice including flanges, vanes, plates, etc.

29. Motor generator set, with accessories.

30. Motor control cubicle.

31. Muffler, with or without piping.

32. Odorizing equipment.

33. Other Power Equipment. (For applicable retirement units of property see Account 307—Other Power Equipment.)

34. Piping header, 6" and over in size, with or without valves and blocking. (See Note A—General Instructions.)

35. Plant piping, a run of any system (oil, gas, steam, water, etc., 6 inches or over in size, with or without valves, between two or more retirement units of property and/or a header). (See Note A—General Instructions.)

36. Proportional feeder, with accessories.

37. Pump, with or without driving unit and accessories.

38. Regulator, pressure complete, with or without control equipment, including pilot regulators, fittings, etc.

39. Special or other costly prefabricated items of a special nature.

40. Supercharging equipment.

41. Switchgear (compartment, cubicle, etc.), complete assembly.

42. Tank or vessel such as absorber, air receiver, fractionator, preheater, scrubber, separator, still, storage tank, etc.

43. Telemetering equipment.

44. Transformer and/or capacitor not accessory to a panel.

45. Unit substation, complete. (For applicable retirement units of property

see Account 307—Other Power Equipment.)

46. Valve, power operated, pressure reducing, atmospheric relief, 6 inch normal size and larger or relatively costly.

47. Well.

48. Wire, cable, supports and duct lines. (For applicable retirement units of property see Account 307, Group D.)

B. Fire Protection Apparatus—each principal item of equipment such as:

1. Fire engine.

2. Foamite engine.

3. Hose cart, complete with hose.

C. Office Furniture and Equipment: (See Account 391 for applicable retirement units of property.)

D. Tools, Shop and Garage Equipment:

(See Account 394 for applicable retirement units of property.)

E. Laboratory Equipment:

(See Account 395 for applicable retirement units of property.)

F. Miscellaneous Equipment—each principal item of equipment if includible in this account.

369 Measuring and Regulating Station Equipment.

1. Automatic control equipment (including small regulators, pipe fittings and valves, etc.).

2. Calorimeter.

3. Fogger equipment or system.

4. Foundation.

5. Instruments. (See general instructions.)

6. Line heater.

7. Meter, displacement, or orifice including support, flanges, vanes and plates.

8. Odorizer equipment or system.

9. Panel or panels, devoted to a single purpose, with equipment associated thereto such as instruments, wiring, piping, etc.

10. Pit or vault.

11. Piping, a run of any system 6 inches or over in size with or without valves, between two or more units of property and/or a header. (See Note A General Instructions.)

12. Piping header, 6 inches and over in size, with or without valves or blocking. (See Note A General Instructions.)

13. Portable or package unit.

14. Regulator complete, with or without control equipment, including pilot regulators, fittings, etc.

15. Tanks and vessels, such as scrubber, separator, etc.

16. Telemetering equipment.

17. Valve, power operated, pressure reducing, atmospheric relief, 6 inch nominal pipe size and larger or relatively costly valve.

370 Communication Equipment.

Each principal item or set of equipment such as:

1. Antenna and supporting structure.

2. Carrier current coupling capacitor.

3. Carrier current transmitting and receiving set.

4. Intercommunicating telephone apparatus.

5. Microwave apparatus.

6. Receiver, stationary or mobile.

7. Storage battery set, or motor generator set.

8. Teletype apparatus.

9. Transmitter, stationary or mobile.

10. Wire, cable, supports and duct lines. (For applicable retirement units of property see Account 307, Group D.)

371 Other Equipment.

1. Air compressor.

2. Communication equipment, intrastation.

3. Fire protection equipment.

4. Gasoline dispensing equipment.

5. Hospital and infirmary equipment.

6. Laboratory equipment.

7. Odorizing equipment.

8. Office furniture and equipment.

9. Supervisory control (telemetering) equipment.

10. Tool, shop and garage equipment.

5. DISTRIBUTION PLANT

375 Structures and Improvements.

(See Acct. 366—Transmission Structures and Improvements for applicable retirement units of property.)

376 Mains.

(See Acct. 367—Transmission Mains for applicable retirement units of property.)

377 Compressor Station Equipment.

(See Acct. 368—Transmission Compressor Station Equipment for applicable retirement units of property.)

378 Measuring and Regulating Station Equipment.

379 Measuring and Regulating Station Equipment—City Gate Check Stations.

(See Acct. 369—Transmission Measuring and Regulating Station Equipment for applicable retirement units of property.)

380 Services.

1. Complete service.

381 Meters.

1. Meter.

382 Meter Installation.

1. Meter installation.

NOTE: At the option of the utility, meter installations may be accounted for as part of the cost installed of meters in accordance with the provisions of Acct. 381, Meters.

383 House Regulators.

1. House regulator.

384 House Regulator Installation.

1. House regulator installation.

NOTE: At the option of the utility, house regulator installations may be accounted for as part of the cost installed of house regulators in accordance with the provisions of Acct. 383, House Regulators.

385 Industrial Measuring and Regulating Station Equipment.

(See Acct. 369—Transmission Measuring and Regulating Station Equipment for applicable retirement units of property.)

386 Other Property on Customers' Premises.

Each principal item of equipment if includible in this account.

387 Other Equipment.

(See Acct. 371—Transmission Other Equipment for applicable retirement units of property.)

6. GENERAL PLANT**390 Structures and Improvements.**

(See Acct. 366—Transmission Structures and Improvements for applicable retirement units of property.)

391 Office Furniture and Equipment.

Each principal item of equipment.

1. Duplicating equipment, such as, blueprint machine, photostat machine, offset press, photocopy machine, trans-copy machine.

2. Mechanical processing equipment, such as, key punch, sorter, tabulator, electronic calculator.

3. Office equipment, such as, accounting machine, adding machine, calculating machine, coin counter, signature writer, typewriter.

4. Office furniture, such as, desk, cabinet, safe, file.

392 Transportation Equipment.

Each principal item of equipment such as:

1. Airplane.
2. Automobile.
3. Boat.
4. Electrical vehicle.
5. Motor truck.
6. Motorcycle.
7. Tractor.
8. Trailer, wagon.

393 Stores Equipment.

Each principal item of equipment such as:

1. Crane, hoist, or chainfall.
2. Counter, shelving, bins or racks, each location.
3. Portable elevating and stacking equipment.
4. Truck.

394 Tool, Shop and Garage Equipment.

Each principal item of equipment:

1. Garage and repair equipment, such as, gasoline or oil pump, battery charging set, car lift, power-driven greasing machine.

2. Shop equipment and tools, such as, drill press, welding machine, forge, furnace, lathe, planer, shaper.

3. Tools and work equipment, such as, pneumatic tool, welding set, power saw, transit, level, concrete mixer.

395 Laboratory Equipment.

Each principal item of equipment such as:

1. Analysis apparatus.
2. Analytical balance.
3. Automatic electronic prover.
4. Binocular electronic reader.
5. Calorimeter.
6. Centrifuge.
7. Drying oven.
8. Hydro-pneumatic meter tester.
9. Indicating transmitter.
10. Metameter test set.
11. Meter prover.
12. Odormeter.
13. Recording flow meter.
14. Recording orifice.

15. Test meter.

16. Vaportester.

396 Power Operated Equipment.

Each principal item of equipment such as:

1. Air compressor, including driving unit and vehicle.
2. Back filling machine.
3. Boring machine.
4. Bulldozer.
5. Crane or hoist.
6. Digger.
7. Pile driver.
8. Pipe cleaning machine.
9. Pipe coating or wrapping machine.
10. Tractor.
11. Trencher.

397 Communication Equipment.

Each principal item of equipment such as:

1. Antenna and supporting structure.
2. Carrier current coupling capacitor.
3. Carrier current transmitting and receiving set.
4. Intercommunicating telephone apparatus.
5. Microwave apparatus.
6. Receiver, stationary or mobile.
7. Storage battery set or motor generator set.
8. Teletype apparatus.
9. Transmitter, stationary or mobile.
10. Wire, cable, supports and duct lines.

(For applicable retirement units of property see Account 307, Group D.)

398 Miscellaneous Equipment.

Each principal item of equipment if includible in this account.

399 Other Tangible Equipment.

Units to be assigned as items of property are included herein.

[F.R. Doc. 61-5242; Filed, June 6, 1961; 8:45 a.m.]

DEPARTMENT OF THE TREASURY**Internal Revenue Service****[26 CFR Part 270]****MANUFACTURE OF TOBACCO PRODUCTS****Notice of Proposed Rule Making**

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the **FEDERAL REGISTER**. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on

these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the **FEDERAL REGISTER**. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Preamble. 1. These regulations, 26 CFR Part 270, "Manufacture of Tobacco Products," are promulgated to prescribe provisions relating to the production and taxpayment of cigars, cigarettes, and manufactured tobacco in a single part of this chapter, and to implement the Internal Revenue Code of 1954 as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275). These regulations supersede the existing regulations in 26 CFR Part 270 and Subpart E of 26 CFR Part 296 in their entirety, and prescribe revision of provisions formerly included in 26 CFR Part 270 relating to manufacturers of cigars and cigarettes, prescribe revision of provisions formerly included in 26 CFR Part 275 relating to manufacturers of tobacco, and prescribe revision of provisions formerly included in Subpart E of 26 CFR Part 296 relating to taxpayment of cigars, cigarettes, and manufactured tobacco by manufacturers of tobacco products.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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AUTHORITY: §§ 270.1 to 270.332 are issued under section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 270.1 Manufacture of tobacco products.

This part contains the regulations relating to the manufacture of tobacco products; the payment of internal revenue taxes imposed by Chapter 52 of the Internal Revenue Code; and the qualification of and operations by manufacturers of tobacco products.

§ 270.2 Territorial extent.

The provisions of the regulations in this part shall apply in the several States of the United States and the District of Columbia.

Subpart B—Definitions

§ 270.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

CFR. The Code of Federal Regulations.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Commissioner. The Commissioner of Internal Revenue.

Dealer in tobacco materials. Any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 280 of this chapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

Determined or determination. When used with respect to the tax on tobacco products, determined or determination shall mean that the quantity, kind, and class if applicable, of cigars, cigarettes, or manufactured tobacco to be removed subject to tax have been established as prescribed by this part so that the tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Export warehouse. A bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of

the internal revenue laws of the United States.

Export warehouse proprietor. Any person who operates an export warehouse.

Factory. The premises of a manufacturer of tobacco products as described in his permit issued under Chapter 52, I.R.C.

In bond. The status of tobacco materials, tobacco products, and cigarette papers and tubes, which come within the coverage of a bond securing the payment of internal revenue taxes imposed by section 5701 or section 7652, I.R.C., and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such materials and articles in a factory, (b) such materials and articles removed, transferred, or released, pursuant to section 5704, I.R.C., and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of tobacco. Any person who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a person who in any manner prepares tobacco solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

Stems. The stems or midribs of tobacco.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco materials. Tobacco other than manufactured tobacco, cigars, and cigarettes, and includes tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste. Tobacco materials are categorized:

(a) **Unstemmed leaf tobacco.** Leaf tobacco from which the stem or midrib has not been removed.

(b) **Other tobacco materials.** Tobacco materials other than unstemmed leaf tobacco.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

U.S.C. The United States Code.

Waste. Tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products

and have no market value for that purpose.

Subpart C—Taxes

§ 270.21 Cigar tax rates.

On cigars, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) Small cigars. 75 cents per thousand.

(b) Large cigars. (1) If removed to retail at not more than 2½ cents each, \$2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, \$3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, \$4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, \$7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, \$10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, \$15 per thousand; and

(7) If removed to retail at more than 20 cents each, \$20 per thousand.

Cigars not exempt from tax under Chapter 52, I.R.C., and the provisions of this part which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.22 Classification of large cigars.

Large cigars are divided into seven classes, for tax purposes, corresponding with the rates of tax imposed by section 5701(b)(2), I.R.C., and based on the retail price intended by the manufacturer for such cigars. The classes are designated, from the lowest to the highest rate of tax, as Class A, Class B, Class C, Class D, Class E, Class F, and Class G, respectively. In establishing the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market, exclusive of any State or local taxes imposed on cigars as a commodity. Where there is more than one price for the same cigar in its principal market, the tax to be paid shall be determined, at the time of removal, according to the price at which the majority are sold therein. Subsequent retail sale at a price in excess of the maximum for the class at which taxpaid will not, in itself, cause the manufacturer to incur any additional tax liability.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.23 Cigarette tax rates.

On cigarettes, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) Small cigarettes. \$4 per thousand.

(b) Large cigarettes. \$8.40 per thousand; except that where such cigarettes are more than 6½ inches in length, the rate of tax is \$4 per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.24 Classification of cigarettes.

For tax purposes, small cigarettes are designated Class A and large cigarettes are designated Class B.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.25 Manufactured tobacco tax rate.

On tobacco, manufactured in or imported into the United States, a tax of 10 cents per pound is imposed by law.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.26 Persons liable for tax.

The manufacturer of tobacco products shall be liable for the taxes imposed on such products by section 5701, I.R.C.: *Provided*, That when tobacco products are transferred in bond pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such products and the transferor shall thereupon be relieved of his liability for the tax. When tobacco products are released in bond from customs custody for transfer to the bonded premises of a manufacturer of tobacco products, the transferee shall become liable for the tax on such products upon release from customs custody. Any person who possesses tobacco products in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such products.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 270.27 Assessment.

Whenever any person required by law to pay tax on tobacco products fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart D—Administrative Provisions

§ 270.41 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury it shall be so executed.

§ 270.42 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where to-

bacco products are produced or kept, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 270.43 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 270.44 Disposal of forfeited, condemned, and abandoned tobacco products.

When any Federal, State, or local officer having custody of forfeited, condemned, or abandoned tobacco products, upon which the Federal tax has not been paid, is of the opinion that the sale thereof will not bring a price equal to the tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such products for consumption in the United States. Where the products are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in § 270.253. Where such products are sold, they shall not be released by the officer having custody thereof until they are properly packaged and tax-paid, which tax shall be considered as a portion of the sales price. The payment of tax on such products shall be evidenced by presentation, to the officer having custody of the products, of a receipt from the district director showing such payment. In the case of such products held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5753)

§ 270.45 Alternate methods or procedures.

A manufacturer of tobacco products, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

§ 270.46 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the

assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

§ 270.47 Other businesses within factory.

The Director may authorize such other businesses within the factory as he finds will not jeopardize the revenue, will not hinder the effective administration of this part, and will not be contrary to law.

§ 270.48 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart E—Qualification Requirements for Manufacturers

§ 270.61 Persons required to qualify.

Every person who produces any tobacco products, except for his own personal consumption or use, shall qualify as a manufacturer of tobacco products in accordance with the provisions of this part: *Provided*, That a person who on the effective date of this part holds a valid permit as a manufacturer of cigars and cigarettes or as a manufacturer of tobacco may continue the operations authorized to be performed under such permit, in accordance with the provisions of this part. A person holding a valid permit as a manufacturer of cigars and cigarettes or as a manufacturer of tobacco, or holding a limited permit substituted therefor as provided in § 270.75, who desires to obtain a permit as a manufacturer of tobacco products without limitation as to kind of tobacco product that may be produced in his factory shall make application therefor in accordance with this subpart.

(72 Stat. 1421; 26 U.S.C. 5711, 5712, 5713)

§ 270.62 Application for permit.

Every person, before commencing business as a manufacturer of tobacco products as defined in § 270.11, shall make application for, and obtain, the permit provided in § 270.75, covering operations at each proposed factory. Such application shall be made on Form 2093, in duplicate, to the assistant regional commissioner for the region in which the proposed factory will be located. All documents required under this part to be furnished with such application shall be made a part thereof. Where the applicant for a permit under this section holds a permit or permits authorizing the production of any tobacco products at premises to be covered by the permit applied for, the applicant shall surrender such permit or permits for cancellation, upon the issuance of the permit applied for.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.63 Corporate documents.

Every corporation, before commencing business as a manufacturer of tobacco products, shall furnish with its application for permit, required by § 270.62, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where any of the information required by this section has previously been filed with the same assistant regional commissioner and such information is currently complete and accurate, a written statement to that effect by the corporation, in duplicate, will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.64 Articles of partnership or association.

Every partnership or association, before commencing business as a manufacturer of tobacco products, shall furnish with its application for permit, required by § 270.62, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner and such documents are currently complete and accurate, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.65 Trade name certificate.

Every person, before commencing business under a trade name as a manufacturer of tobacco products, shall furnish with his application for permit, required by § 270.62, a true copy of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so required, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.66 Bond.

Every person, before commencing business as a manufacturer of tobacco products, shall file, in connection with his application for permit, a bond on Form 3070, in duplicate, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder,

including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States: *Provided*, That any person who, on the effective date of this part, has on file a valid and adequate bond, Form 2100, "Bond—Manufacturer of Cigars and Cigarettes," or Form 2099, "Bond—Manufacturer of Tobacco," as the case may be, may continue, under such bond, the operations with respect to the permit to which that bond relates (including a permit substituted therefor under the provisions of § 270.75), in accordance with the provisions of this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.67 Blanket bond.

Where a manufacturer of tobacco products operates more than one factory in the same region he may, in lieu of filing separate bonds, file a blanket bond on Form 3070, in duplicate, in accordance with the provisions of § 270.134, for any or all of the factories in the same region. The total amount of any blanket bond given under this section shall be available for the satisfaction of any liability incurred at any factory covered by the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.68 Power of attorney.

If the application for permit or any other document required under this part is signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by one of the members of an association, power of attorney on Form 1534 shall be furnished to the assistant regional commissioner. If such application or other document is signed on behalf of a corporation by an officer thereof, it must be supported by duly authenticated extracts of the stockholders' meeting, bylaws, or directors' meeting authorizing such officer to execute such document for the corporation. Form 1534 or support of authority does not have to be filed again with an assistant regional commissioner where such form or support has previously been submitted to that assistant regional commissioner and is still in effect.

§ 270.69 Factory premises.

The premises to be used by a manufacturer of tobacco products as his factory may consist of more than one building, or portions of buildings, which need not be contiguous but must be located in the same city, town, or village: Except that, where the assistant regional commissioner determines that a building or portion of a building which is not within the city, town, or village, is so conveniently and closely situated to the general factory premises as to present no jeopardy to the revenue and as to offer no hindrance to the administration of this part, he may authorize the inclusion of such building or portion of building as part of the factory. The buildings or portions of buildings shall be described in the application for permit and the bond by number, street, and city, town,

or village, and State. Where the factory consists of a portion of a building, or where portions of buildings are part of the factory, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the factory or part thereof. The diagram shall also show any adjoining retail store, operated by such manufacturer, where tobacco products are sold. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.70 Separation of and access to factory.

Where the factory consists of a portion of a building, or where portions of buildings are part of the factory, the factory shall be completely separated by walls from adjoining portions of the building. Such walls shall be securely constructed of substantial materials. The assistant regional commissioner may, wherever he finds that the revenue will not be jeopardized, authorize openings and doors in such walls or means of separation other than walls if such means adequately delineate the factory. The factory shall be accessible directly from a street, yard, common passageway, or other common means of entrance. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.71 Factories established prior to effective date.

Factories established prior to the effective date of this part shall not be subject to the provisions of § 270.70 if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.72 Use of factory premises.

Unless otherwise authorized by the Director as provided in § 270.47, the factory premises shall be used exclusively for the purposes of manufacturing and storing tobacco products; storing materials, equipment, and supplies related thereto or used or useful in the conduct of the business; and carrying on activities in connection with the business of the manufacturer. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.73 Additional information.

The assistant regional commissioner may require such additional information as he may deem necessary to determine whether the applicant is entitled to a permit under the provisions of this part. The applicant shall, when required by the assistant regional commissioner, furnish as a part of his application for such permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to a permit.

§ 270.74 Investigation of applicant.

As the assistant regional commissioner deems necessary he will cause inquiry or investigation to be made to verify the information furnished in connection with an application for permit to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance

with Chapter 52, I.R.C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the factory are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with Part 200 of this chapter, which part (including the provisions relating to the recommended decision and to appeals) is applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.75 Issuance of permit.

If the application for permit, together with the bond and supporting documents, required under this part is approved by him, the assistant regional commissioner shall issue a permit on Form 2096 to the applicant as a manufacturer of tobacco products: *Provided*, That without the filing of an application therefor, the assistant regional commissioner may substitute a permit on Form 2096 to replace a valid permit as a manufacturer of cigars and cigarettes or as a manufacturer of tobacco. Such substitute permit shall be appropriately limited so as to authorize only the operations which were authorized under the permit being replaced. Upon the issuance of the substitute permit, the replaced permit shall become null and void and shall be surrendered for cancellation. (72 Stat. 1421; 26 U.S.C. 5713)

§ 270.76 Retention of permit and supporting documents.

The manufacturer shall retain his permit, together with the copy of the application and supporting documents returned to him with the permit, at the same place where the records required by this part are kept and they shall be made available for inspection by any internal revenue officer upon his request. (72 Stat. 1421, 1423; 26 U.S.C. 5712, 5713, 5741)

Subpart F—Changes After Original Qualification of Manufacturers

CHANGES IN NAME

§ 270.91 Change in individual name.

Where there is a change in the name of an individual operating as a manufacturer of tobacco products he shall, within 30 days of such change, make application on Form 2098 for an amended permit. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.92 Change in trade name.

Where there is a change in the trade name of a manufacturer of tobacco products, the manufacturer shall, within 30

days of the adoption of the new trade name, make application on Form 2098 for an amended permit. The manufacturer shall also furnish a true copy of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 270.65. (72 Stat. 1421; 26 U.S.C. 5712)

§ 270.93 Change in corporate name.

Where there is a change in the name of a corporate manufacturer of tobacco products, the manufacturer shall, within 30 days of such change, make application on Form 2098 for an amended permit. The manufacturer shall also furnish such documents as may be necessary to establish that the corporate name has been changed. (72 Stat. 1421; 26 U.S.C. 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 270.101 Fiduciary successor.

If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a manufacturer of tobacco products, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make a commencing inventory, in accordance with the provisions of § 270.201: *Provided*, That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 270.69, the successor may adopt such diagram if it is currently complete and accurate. However, where a fiduciary intends only to liquidate the business, qualification as a manufacturer of tobacco products will not be required if he promptly files with the assistant regional commissioner a written statement to that effect, in duplicate, together with an extension of coverage of the predecessor's bond, executed by the fiduciary and the surety on such bond, in accordance with the provisions of § 270.137. (72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5721)

§ 270.102 Transfer of ownership.

If a transfer is to be made in ownership of the business of a manufacturer of tobacco products (including a change of any member of a partnership or association), such manufacturer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a manufacturer of tobacco products, in accordance with the applicable provisions of Subpart E of this part: *Provided*, That where a diagram has been furnished by the manufacturer in accordance with the provisions of § 270.69, the proposed successor may adopt such diagram if it is currently complete and accurate. The manufacturer shall give such notice of transfer, and the proposed successor shall make application for permit and

file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a concluding inventory and concluding report, in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender, with such inventory and report, his permit, and the successor shall make a commencing inventory and commencing report, in accordance with the provisions of § 270.201 and § 270.202, respectively.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5713, 5721, 5722)

§ 270.103 Change in officers, directors, or stockholders of a corporation.

Upon election or appointment (excluding successive reelection or reappointment) of any officer or director of a corporation operating the business of a manufacturer of tobacco products, or upon any occurrence which results in a person acquiring ownership or control of more than ten percent in aggregate of the outstanding stock of such corporation, the manufacturer shall, within 30 days of such action, so notify the assistant regional commissioner in writing, giving the identity of such person.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.104 Change in control of a corporation.

Where the issuance, sale, or transfer of the stock of a corporation, operating as a manufacturer of tobacco products, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate manufacturer shall, within 30 days after the change occurs, make application on Form 2093 for a new permit. Otherwise, the present permit shall be automatically terminated at the expiration of such 30-day period, and the manufacturer shall dispose of all tobacco materials and tobacco products on hand, in accordance with this part, make a concluding inventory and concluding report, in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action with respect to such application.

(72 Stat. 1421, 1422; 26 U.S.C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND FACTORY

§ 270.111 Change in location within same region.

Whenever a manufacturer of tobacco products intends to relocate his factory within the same region, the manufacturer shall, before commencing operations at the new location, make application on Form 2098 for, and obtain, an amended permit. The application shall be supported by an extension of coverage of bond in accordance with the provisions of § 270.137.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 270.112 Change in address.

Whenever any change occurs in the address, but not the location, of the fac-

tory of a manufacturer of tobacco products, as a result of action of local authorities, the manufacturer shall, within 30 days of such change, make application on Form 2098 for an amended permit.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.113 Change in location to another region.

Whenever a manufacturer of tobacco products intends to remove his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part. The manufacturer shall notify the assistant regional commissioner for the region from which he is removing his factory of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a concluding inventory and concluding report in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender, with such inventory and report, the permit for his old location.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5713, 5721, 5722)

§ 270.114 Extension or curtailment of factory.

Where a tobacco products factory is to be changed to an extent which will make inaccurate the description of the factory as set forth in the last application by the manufacturer for permit, or the diagram, if any, furnished with such application, the manufacturer shall first make an application on Form 2098 for, and obtain, an amended permit. Such application shall describe the proposed change in the factory and shall be accompanied by a new diagram if required under the provisions of § 270.69.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

Subpart G—Bonds and Extensions of Coverage of Bonds

§ 270.131 Corporate surety.

Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(61 Stat. 648, 72 Stat. 1421; 6 U.S.C. 6, 26 U.S.C. 5711)

§ 270.132 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety the manufacturer of tobacco products may pledge and deposit, as security for his bond, securities which are transferable and are

guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

§ 270.133 Amount of individual bond.

The amount of the bond of a manufacturer of tobacco products shall be not less than the total amount of tax liability on all tobacco products manufactured in his factory, received in bond from other factories and from export warehouses, and released to him in bond from customs custody, during any calendar month. Where the amount of any bond is no longer sufficient and the bond is in less than the maximum amount, the manufacturer shall immediately file a strengthening or superseding bond as required by this subpart. The amount of any such bond (or the total amount including strengthening bonds, if any) need not exceed \$250,000 for a manufacturer producing or receiving cigarettes in bond, need not exceed \$150,000 for a manufacturer producing or receiving cigars in bond, and need not exceed \$25,000 for a manufacturer producing or receiving manufactured tobacco in bond. Except that, if more than one kind of tobacco product is produced or received in bond in a factory, the bond for that factory need not exceed the amount of the largest maximum bond prescribed with respect to any of the kinds of tobacco products produced or received in bond therein. The bond of a manufacturer of tobacco products shall in no case be less than \$1,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.134 Amount of blanket bond.

In the case of a blanket bond filed under the provisions of § 270.67, where the total amount of individual bonds otherwise required for the factories under § 270.133 does not exceed \$250,000, such blanket bond shall be not less than the total amount of such individual bonds. Where the total amount of such individual bonds required is in excess of \$250,000 but not in excess of \$500,000, the amount of the blanket bond shall be not less than \$250,000 plus 50 percent of such total amount which is in excess of \$250,000. Where the total amount of such individual bonds required is in excess of \$500,000 the amount of the blanket bond shall be not less than \$375,000 plus 25 percent of such total amount which is in excess of \$500,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.135 Strengthening bond.

Where the amount of any bond is no longer sufficient under the provisions of § 270.133 or § 270.134, the manufacturer shall immediately file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, unless a superseding bond is filed pursuant to § 270.136. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.136 Superseding bond.

A manufacturer of tobacco products shall immediately file a new bond to supersede his current bond when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, (d) the amount of the bond is on longer sufficient under the provisions of § 270.133 or § 270.134 and a strengthening bond has not been filed, or (e) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue. Where a bond is not filed as required under the provisions of this section the manufacturer shall discontinue forthwith the operations to which such bond relates.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.137 Extension of coverage of bond.

An extension of coverage of bond shall be manifested on Form 2105 by the manufacturer of tobacco products and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.138 Approval of bond and extension of coverage of bond.

No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.139 Termination of surety's liability.

The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of discontinuance of operations by the manufacturer under § 270.331, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.140 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 270.132 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

§ 270.141 Extension of coverage for bond executed prior to June 24, 1959.

Every manufacturer of tobacco products who desires to remove tobacco products on determination of tax and before payment of tax shall, before such removal, have an approved extension of coverage of bond on Form 2105 on file with the assistant regional commissioner for every bond, Form 2099 or 2100, executed prior to June 24, 1959, under which such removals are to be made. This extension of coverage shall be executed by the principal and the surety and shall be in the following form:

Whereas, the purpose of this extension is to bind the obligors for the payment of the tax on all tobacco products removed by the principal on determination of tax and before payment of the tax notwithstanding that the time for payment of tax may be deferred pursuant to a semimonthly return system as provided for by regulations.

Now, therefore, the above described bond is further specifically conditioned that the principal named therein shall pay all taxes (plus penalties, if any, and interest) for which he may become liable with respect to all tobacco products removed by him on determination of the tax and before payment of the tax thereon, and comply with all provisions of law and regulations with respect thereto.

The aforesaid terms and conditions shall, on and after the effective date, have the same force and effect as the other terms and conditions stated in the bond.

The extension of coverage of bond under this section is not required with respect to any bond executed on or after June 24, 1959.

(72 Stat. 1421; 26 U.S.C. 5711)

Subpart H—Operations by Manufacturers**DETERMINATION AND PAYMENT OF TAXES ON TOBACCO PRODUCTS****§ 270.161 Determination of tax and method of payment.**

Except for removals in bond and transfers in bond, as authorized by law, the taxes imposed on tobacco products by section 5701, I.R.C., shall be determined at the time of removal of such products and paid on the basis of a return, in accordance with the provisions of this part.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 270.162 Semimonthly tax return.

Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 3071, in triplicate, with the district director of the internal revenue district in which the factory is located, for each and every return period, including any period during which a manufacturer begins or discontinues business. He shall file such return at the time specified in § 270.165, regardless of whether tobacco products are removed or whether tax is due for that particular return period: *Provided*, That where the manufacturer so requests by letter, in duplicate, and the assistant regional commissioner grants specific authorization, the manufacturer need not, during the term of such au-

thorization, file a tax return for any period for which tax is not due or payable. The manufacturer shall show, on the return, the kinds and quantities, and tax class in the case of large cigars, of tobacco products removed subject to tax during the semimonthly return period and the tax due thereon. Where the return period covers a portion of two successive calendar months this information shall be shown on the return separately for each portion of a month covered. The manufacturer shall serially number each return on Form 3071 commencing with the number "1" on the first return filed in any calendar year, and shall verify by a written declaration that the return is made under penalties of perjury. The manufacturer shall retain the receipted copy of each tax return transmitted to him by the district director. The payment of the tax with respect to tobacco products removed subject to tax may be deferred and paid on the basis of a semimonthly return only if the manufacturer has on file a bond of sufficient amount executed on or after June 24, 1959, or, in the case of a bond of sufficient amount executed prior to such date, only if the manufacturer has filed the extension of coverage of bond as prescribed in § 270.141. Otherwise, the tax with respect to such removals shall be prepaid with return, Form 2617, as provided in § 270.167, and the semimonthly return required in this section shall be filed showing such prepayment and the serial number(s) of the Form(s) 2617 filed during the return period.

(72 Stat. 1417, 1423; 26 U.S.C. 5703, 5741)

§ 270.163 Semimonthly tax return periods.

The periods to be covered in the semimonthly tax returns shall be from the 9th day of each month to the 23d day of that month, inclusive, and from the 24th day of each month to the 8th day of the next succeeding month, inclusive.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 270.164 Adjustments in the semimonthly return.

A manufacturer may make adjustments in Schedules A and B of his semimonthly tax return, Form 3071, as provided in this section. Schedule A of the return will be used where an unintentional error in a previous return resulted in an underpayment of tax. Schedule B of the return will be used where an unintentional error in a previous return resulted in an overpayment of tax, where prepayment of tax has been made during the return period, or where notice has been received from the assistant regional commissioner that a claim for allowance of tax has been approved. In the case of an overpayment, the manufacturer shall have the option of filing a claim (on Form 843) for refund or taking credit in Schedule B of the return, both subject to the period of limitations prescribed in section 6511, I.R.C. In the case of an adjustment based on prepayment of tax, the serial number(s) of the prepayment return(s), Form 2617, shall be shown. Any adjustments made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the

return in which such adjustment is made.

(68A Stat. 791, 72 Stat. 1417; 26 U.S.C. 6402, 5703)

§ 270.165 Time of filing semimonthly return.

Every semimonthly tax return under this part shall be filed by the manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided*, That the return for the period ending on the 23d day of June of each year shall be filed not later than the second business day succeeding the last calendar day of the return period: *And provided further*, That where the return and remittance are delivered by United States mail to the office of the district director, the date in the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. As used in this section, the term "business day" shall mean any day other than Saturday, Sunday, a legal holiday in the District of Columbia, or a statewide legal holiday in the State wherein the return is required to be filed.

(72 Stat. 1416; 26 U.S.C. 5703)

§ 270.166 Default, prepayment of tax required.

Where a check or money order tendered with any return, whether semimonthly or prepayment, for payment of tax on tobacco products is not paid on presentment, where a manufacturer fails to remit with the return the full amount of tax due thereunder, or where a manufacturer is otherwise in default in payment of tax on tobacco products under the internal revenue laws or this chapter, during the period of such default and until the assistant regional commissioner finds that the revenue will not be jeopardized by the deferred payment of tax pursuant to the provisions of this part, no tobacco products shall be removed subject to tax until the tax thereon has first been paid as provided in § 270.167. Any remittance made during the period of such default shall be in cash, or in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a United States postal money order or other money order as defined in § 301.6311-1 of this chapter (Procedure and Administration—Payment by check or money order).

(68A Stat. 777, 72 Stat. 1417; 26 U.S.C. 6311, 5703)

§ 270.167 Prepayment tax return.

To prepay the tax on tobacco products, a manufacturer shall file a prepayment tax return on Form 2617, in triplicate, with the district director of the internal revenue district in which the factory is located, showing the tax to be paid on the tobacco products prior to removal. The manufacturer shall serially number each return on Form 2617 commencing with the number "1" on the first return filed in any calendar year, and shall verify by a written declaration that the return is

made under penalties of perjury. The return shall be filed with the district director prior to the removal of such products. The manufacturer shall retain the receipted copy of each prepayment return transmitted to him by the district director. A manufacturer prepaying the taxes on tobacco products under the provisions of this section shall continue to file semimonthly returns as required by § 270.162. Such semimonthly returns shall contain a statement, in Schedule B, that taxes have been prepaid by remittance with Form(s) 2617, and the statement shall indicate the serial number of Form(s) 2617 filed and the amount of taxes prepaid.

(72 Stat. 1417, 1423; 26 U.S.C. 5703, 5741)

§ 270.168 Remittance with return.

The tax on tobacco products shown to be due and payable on any return shall be paid by remittance in full with the tax return. Such remittance may be in any form which the district director is authorized to accept under the provisions of § 301.6311-1 of this chapter (Procedure and Administration—Payment by check or money order) and which is acceptable to him, except as is otherwise specified in § 270.166. Checks and money orders shall be made payable to "Internal Revenue Service." In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778, 72 Stat. 1417; 26 U.S.C. 6313, 5703)

RECORDS

§ 270.181 General.

Every manufacturer of tobacco products shall keep records of his operations and transactions which shall reflect, for each day, the information specified in §§ 270.182 and 270.183. For the aforesaid purpose "day" shall mean calendar day, except that the assistant regional commissioner may, upon application of the manufacturer by letter, in duplicate, authorize as such day for a factory a 24-hour cycle of operation other than the calendar day. A day once so established as other than the calendar day may be changed only by like application approved by the assistant regional commissioner. A manufacturer who maintains commercial records from which the required information may be readily ascertained may utilize such records for this purpose. Where a manufacturer does not maintain commercial records which adequately reflect the information required by this part, he shall keep a record on Form 3063 with respect to tobacco materials, on Form 3065 with respect to large cigars, on Form 3066 with respect to small cigars and large and small cigarettes, and on Form 3064 with respect to manufactured tobacco. The manufacturer shall keep the auxiliary and supplemental records from which such records are compiled, and shall keep a supporting record, as specified in § 270.184, of tobacco products removed subject to tax. Except as provided in § 270.184, the entries in the commercial or form records so maintained or kept shall be made not later than the close

of the business day next following that on which the transactions occur. As used in this section, the term "business day" shall mean any day, other than Saturday, Sunday, a legal holiday in the District of Columbia, or a statewide legal holiday in the State wherein the factory to which the records relate is located.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.182 Record of tobacco materials.

The record of a manufacturer of tobacco products shall show with respect to tobacco materials, the date and total quantity, in pounds, of all unstemmed leaf tobacco and other tobacco materials:

(a) Received (except samples which are to be consumed, used, or destroyed, for purposes of sampling, testing, or experimenting) —

(1) From a dealer in tobacco materials or manufacturer of tobacco products, together with the number of such dealer's establishment or the permit number of such manufacturer,

(2) From a farmer or grower, or tobacco growers' association, together with the name and address of such farmer, grower, or association,

(3) By reduction of tobacco products to tobacco materials,

(4) By release from customs custody, and

(5) By return to the factory;

(b) Shipped or delivered —

(1) To a dealer in tobacco materials or manufacturer of tobacco products, together with the number of such dealer's establishment or the permit number of such manufacturer,

(2) To a State institution, together with the name and address of such institution, and

(3) For export purposes;

(c) Lost; and

(d) Destroyed.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.183 Record of tobacco products.

The record of a manufacturer of tobacco products shall show with respect to tobacco products, the date and total quantity of all cigars, cigarettes, and manufactured tobacco, by kind (small cigars—large cigars; small cigarettes—large cigarettes; plug—twist and other forms of leaf—fine-cut chewing—scrap chewing—smoking tobacco—snuff):

(a) Manufactured;

(b) Received in bond by—

(1) Transfer from other factories,

(2) Release from customs custody, and

(3) Transfer from export warehouses;

(c) Received by return to bond;

(d) Disclosed as an overage by inventory;

(e) Removed subject to tax (by class for large cigars);

(f) Removed, in bond, for—

(1) Export purposes,

(2) Use of the United States,

(3) Transfer to other factories,

(4) Experimental purposes off factory premises;

(g) Otherwise disposed of, without determination of tax, by—

(1) Use or consumption by employees on factory premises,

(2) Use or consumption by employees off factory premises, together with the number of employees to whom furnished,
(3) Use for experimental purposes on factory premises,

(4) Loss,
(5) Destruction, and
(6) Reduction to materials;
(h) Disclosed as a shortage by inventory; and

(i) On which the tax has been determined (by class for large cigars) and which are—

- (1) Received, and
- (2) Disposed of.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.184 Record in support of removals subject to tax.

Every manufacturer of tobacco products shall keep a supporting record of tobacco products removed from his factory subject to tax, and shall make the entries therein at the time of removal. Such supporting record shall show, with respect to each removal, the date of removal, the name and address of the person to whom shipped or delivered, the kind and quantity of cigars, cigarettes, or manufactured tobacco, and, in the case of large cigars, the class: *Provided*, That where the tobacco products are delivered within the factory directly to the consumer the name and address of the person to whom delivered need not be shown. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such orderly manner that the information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.185 Retention of records.

All records required to be kept under this part, including copies of authorizations, claims, inventories, notices, reports, returns, and schedules, shall be retained by the manufacturer for three years following the close of the calendar year in which filed or made, or in the case of an authorization, for three years following the close of the calendar year in which the operation under such authorization is concluded. Such records shall be kept in the factory or a place convenient thereto, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

INVENTORIES AND REPORTS

§ 270.201 Inventories.

Every manufacturer of tobacco products shall make true and accurate inventories on Form 3067, which inventories shall include all tobacco materials and tobacco products on hand required to be accounted for in the records kept under this part. The manufacturer shall make such an inventory at the time of commencing business, which shall be the effective date of the permit issued upon original qualification under this part; at the time of transferring ownership; at

the time of changing the location of his factory to a different region; at the time of concluding business; and at such other time as any internal revenue officer may require. Each inventory shall be prepared in duplicate, and shall be subject to verification by an internal revenue officer. The original of each such inventory shall be submitted to the assistant regional commissioner, and the duplicate shall be retained by the manufacturer.

(72 Stat. 1422, 1423; 26 U.S.C. 5721, 5741)

§ 270.202 Reports.

Every manufacturer of tobacco products shall make a report on Form 3068, in duplicate for each month and for any portion of a month during which he engages in such business. Such report shall be made regardless of whether any operations or transactions occurred during the month or portion of a month covered therein. The report for a month or portion of a month in which business is commenced or is concluded shall be conspicuously marked "Commencing Report" or "Concluding Report", respectively. The original of the report shall be submitted to the assistant regional commissioner not later than the 20th day of the month succeeding the month covered therein, and the duplicate shall be retained by the manufacturer. Each report shall show, for the period covered, the total quantity of cigars, cigarettes, and manufactured tobacco:

- (a) Manufactured,
- (b) Received in bond,
- (c) Received by return to bond,
- (d) Removed subject to tax,
- (e) Removed in bond,
- (f) Otherwise disposed of without determination of tax,
- (g) Disclosed by inventory as a net overage or shortage, and
- (h) On hand, in bond, beginning of and end of month.

(72 Stat. 1422; 26 U.S.C. 5722)

PACKAGES

§ 270.211 Package.

All tobacco products shall, before removal subject to tax, be put up by the manufacturer in packages which shall be of such construction as will securely contain the products therein and maintain the mark and the notice thereon as required by this part. No package of tobacco products shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.212 Mark.

Every package of tobacco products packed in a domestic factory shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the name of the manufacturer removing such products

subject to tax and the location (by city and State) of the factory from which such products are to be so removed, or the permit number of such factory.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.213 Notice for manufactured tobacco.

Every package of manufactured tobacco shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco", "tobacco", or "snuff" and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.214 Notice for cigars.

Every package of cigars shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation which corresponds with the rate of tax imposed by section 5701 (b) (2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.215 Notice for cigarettes.

Every package of cigarettes shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein, and the classification for tax purposes, i.e., for small cigarettes, either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

EXEMPTION FROM TAXES ON TOBACCO PRODUCTS

§ 270.231 Consumption by employees.

A manufacturer of tobacco products may furnish such products, without determination and payment of tax, for personal consumption by employees in the factory, in such quantities as desired. Each employee may also be furnished, for off-factory personal consumption, not more than 5 large cigars or cigarettes, 20 small cigars or cigarettes, or 2 ounces of manufactured tobacco, by the manufacturer, without determination and payment of tax, on each day the employee is at work. For the purpose of this section, the term "employee" shall include all persons who work for and receive compensation from the manufacturer, or a parent, subsidiary, or auxiliary company or corporation of the manufacturer, in the city, town, or village where the tobacco products so furnished to employees are produced. Such products furnished for off-factory consumption shall be taken from the factory by the employee on the day furnished. Employees shall not sell, offer for sale, or give away products so furnished to them.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.232 Experimental purposes.

A manufacturer of tobacco products may use such products, without determination and payment of tax, for experimental (including testing) purposes in his factory, in such quantities as desired. When authorized by the assistant regional commissioner a manufacturer may also remove tobacco products, in bond, for experimental (including testing) purposes outside his factory. Removal of tobacco products under this section will be authorized only for bona fide experimental purposes, such as for use by producers of machines designed to package such products for testing and experimenting in the operation of these machines, or for use in laboratories, hospitals, medical centers, institutes, colleges, and universities, for scientific, technical, or medical research. Tobacco products may not be removed, under this section, for such purposes as advertising, salesmen's or customers' samples, or for consumer testing. An application to the assistant regional commissioner for authorization to remove tobacco products in bond for experimental purposes shall be by letter, in duplicate, and shall set forth the name and address of the consignee, the kind and quantity of cigars, cigarettes, or manufactured tobacco to be removed, and the intended use of the products. The manufacturer shall retain, as part of his records, each authorization of the assistant regional commissioner for such removal of tobacco products.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.233 Transfer in bond.

A manufacturer of tobacco products may transfer cigars, cigarettes, or manufactured tobacco, in bond, to the factory of any manufacturer of tobacco products. The transfer of tobacco products in bond to the premises of an export warehouse

proprietor shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.234 Removal for use of the United States.

The removal of tobacco products, in bond, for use of the United States, shall be in accordance with the provisions of Part 295 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.235 Removal for export purposes.

The removal of tobacco products, in bond, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.236 Release from customs custody.

The release of tobacco products from customs custody, in bond, for transfer to the premises of a tobacco products factory, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

OTHER PROVISIONS RELATING TO TOBACCO PRODUCTS

§ 270.251 Emergency storage.

In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary storage of tobacco products at a place outside the factory without the application for amended permit or the extension of coverage of bond required under § 270.114, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue. Application for authorization to so store tobacco products shall be submitted to the assistant regional commissioner by letter, in duplicate. All tobacco products so stored outside the factory shall be accounted for in the records and reports required under §§ 270.183 and 270.202 the same as products within the factory.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.252 Reduction to materials.

A manufacturer may reduce tobacco products to materials without internal revenue supervision. If the products have been entered in the factory record as manufactured or received, an entry shall be made in such record of the kind and quantity of cigars, cigarettes, or manufactured tobacco reduced to material, and of the quantity of tobacco resulting from the reduction. Where the manufacturer intends to file claim for allowance or refund of tax on such products he shall comply with the provisions of § 270.311.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.253 Destruction.

When a manufacturer of tobacco products desires to destroy such products which have been entered in the factory record as manufactured or received, without salvaging the tobacco materials,

he shall notify the assistant regional commissioner by letter, in duplicate, of the kind and quantity of cigars, cigarettes, or manufactured tobacco to be destroyed, the intended method of destruction, and the date on which he desires to destroy such products. The assistant regional commissioner may assign an internal revenue officer to supervise destruction of the products, or he may authorize the manufacturer to destroy such products without supervision by so stating on a copy of the manufacturer's notice returned to the manufacturer. When so authorized by the assistant regional commissioner, the manufacturer shall destroy the tobacco products by burning completely or by rendering them unfit for consumption. Upon completion of the destruction, the manufacturer shall make an entry of such destruction in his factory record, and where destruction without supervision is authorized, shall record the date and method of destruction on the notice returned to him by the assistant regional commissioner, which notice the manufacturer shall retain. Where the manufacturer intends to file claim for allowance or refund of tax on such products he shall comply with the provisions of § 270.311.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.254 Receipt into factory.

A manufacturer of tobacco products may receive in bond into his factory any tobacco products which he is authorized under his permit to produce in that factory, and may also receive any tobacco products on which the tax has been determined (including products on which the tax has been paid). Tobacco products on which the tax has been determined which are so received shall be segregated and identified as products on which the tax has been determined. Where the manufacturer intends to file claim for allowance or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

TOBACCO MATERIALS

§ 270.261 Storage.

Tobacco materials may be stored outside the premises of a tobacco products factory, in the same region in which the factory is situated, if an extension of coverage of the bond for such purpose has been approved by the assistant regional commissioner. In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary storage of tobacco materials at a place outside the factory without such extension of coverage, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue. Application to so store tobacco materials shall be submitted to the assistant regional commissioner by letter, in duplicate, and where applicable, such application shall be accompanied by an extension of coverage of bond. All tobacco materials so stored outside the factory shall be accounted for in the records required under § 270.182 the same as materials within the factory.

(72 Stat. 1421, 1423; 26 U.S.C. 5711, 5741)

§ 270.262 Shipment or delivery.

A manufacturer of tobacco products may ship or deliver tobacco materials, in bond, to (a) a qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; or (d) any person for experimental or display purposes when authorized by the assistant regional commissioner. A manufacturer of tobacco products may ship stems and waste, in bond, to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine. Shipment or delivery of tobacco materials to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be in accordance with the provisions of Part 290 of this chapter. An application to the assistant regional commissioner for authorization to ship or deliver tobacco materials for experimental or display purposes shall be by letter, in duplicate, and shall set forth the name and address of the consignee, the quantity of materials to be shipped or delivered, and the intended use of the materials or the place where they will be displayed. The manufacturer shall retain each authorization of the assistant regional commissioner for shipment or delivery of tobacco materials for experimental or display purposes.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.263 Fumigation.

Tobacco materials held by, released to, or in transit to, a manufacturer of tobacco products may be taken, in bond, to a person who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such person and returned or delivered to the manufacturer. Such tobacco materials shall be covered by the bond of the manufacturer and shall not be regarded as having been shipped or delivered by the manufacturer but shall be accounted for in the records required under § 270.182 the same as materials within the factory.

(72 Stat. 1421, 1423; 26 U.S.C. 5711, 5741)

§ 270.264 Destruction.

When a manufacturer of tobacco products desires to destroy tobacco materials other than stems and waste, he shall notify the assistant regional commissioner by letter, in duplicate, of the quantity of tobacco materials to be destroyed, the intended method of destruction, and the date on which he desires to destroy such materials. The assistant regional commissioner may assign an internal revenue officer to supervise the destruction of the materials, or he may authorize the manufacturer to destroy such materials without supervision by so stating on a copy of the manufacturer's notice returned to the manufacturer. When so authorized by the assistant regional commissioner the manufacturer shall destroy the tobacco materials by burning completely or by rendering them unfit for consumption. Upon completion of the destruction the manufacturer shall make an entry of such destruction in his factory record, and where destruction without supervision is authorized

shall record the date and method of destruction on the notice returned to him by the assistant regional commissioner, which notice the manufacturer shall retain. A manufacturer of tobacco products who desires to destroy stems and waste may do so in the same manner without notification to the assistant regional commissioner.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.265 Loss by theft or casualty.

Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a manufacturer of tobacco products, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satisfaction.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 270.266 Release from customs custody.

The release of tobacco materials from customs custody, in bond, for transfer to the premises of a tobacco products factory, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

Subpart I—Claims by Manufacturers**GENERAL****§ 270.281 Abatement of assessment.**

A claim for abatement of the unpaid portion of the assessment of any tax on tobacco products, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount, is assessed after expiration of the applicable period of limitation, or is erroneously or illegally assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed, and the duplicate of the claim shall be retained by the manufacturer.

(68A Stat. 792; 26 U.S.C. 6404)

§ 270.282 Allowance of tax.

Relief from the payment of tax on tobacco products may be extended to a manufacturer by allowance of the tax, where the tobacco products, after removal from the factory upon determination of tax and prior to the payment of such tax, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such products, or are withdrawn by him from the market. Any claim for allowance under this section shall be filed on Form 2635, in triplicate, with the assistant regional commissioner for the region in which the products were removed, and shall show the date the tobacco products were removed from the factory. A claim relating to products lost or destroyed shall be supported as

prescribed in § 270.301. In the case of a claim relating to tobacco products withdrawn from the market, the schedule, as provided in § 270.311, shall be filed with the assistant regional commissioner for the region in which the products are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim. Tobacco products to which such a claim relates must be shown to have been removed on determination of tax on the return covering the period during which such products were so removed. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When such notification of allowance of the claim or any part thereof is received prior to the time the return covering the tax on the tobacco products to which the claim relates is to be filed, the manufacturer may make an adjusting entry and explanatory statement in that tax return. Where the notice of allowance is received subsequent to the filing of the return and taxpayment of the tobacco products to which the claim relates, the manufacturer may make an adjusting entry and explanatory statement on the next subsequent tax return(s) to the extent necessary to take credit in the amount of the allowance.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.283 Refund of tax.

The taxes paid on tobacco products may be refunded (without interest) to a manufacturer on proof satisfactory to the assistant regional commissioner that the claimant manufacturer has paid the tax on tobacco products lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products by Chapter 52, I.R.C., has been paid in respect to the tobacco products covered by the claim, and that the products were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for refund relating to products lost or destroyed shall be supported as prescribed in § 270.301, and a claim relating to products withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 270.311 and 270.313. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid. The duplicate of the claim, with the copy of any verified supporting schedules, shall be retained by the manufacturer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.284 Remission of tax liability.

Remission of the tax liability on tobacco products may be extended to the manufacturer liable for the tax where tobacco products in bond are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer. Where tobacco products are so lost or destroyed the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located, and shall prepare a claim on Form 2635, in triplicate, setting forth the nature, date, place, and extent of the loss or destruction. All copies of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action, which copy shall be retained by the manufacturer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.285 Claim for redemption of stamps.

Tobacco products tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the manufacturer of such products has no use, may be redeemed by such manufacturer. Any claim for redemption of stamps under this section shall be prepared on Form 843, in duplicate, and the original shall be filed with the assistant regional commissioner, for the region in which the stamps were purchased, within three years after the stamps were purchased from the Government. Stamps may be presented with the claim or they may be destroyed under internal revenue supervision, or satisfactory evidence shall be submitted with the claim showing the reason why they cannot be so presented or destroyed. Where the stamps are to be destroyed, the manufacturer shall prepare a schedule on Form 178, in duplicate, for the stamps covered by the claim. When the schedule has been prepared, the manufacturer shall request the assistant regional commissioner to assign an internal revenue officer to verify the schedule and supervise the destruction of the stamps. The original of the verified schedule shall be returned to the manufacturer and be attached to his claim, Form 843, when filed. If required, the manufacturer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(68A Stat. 830, as amended by 72 Stat. 1313; 26 U.S.C. 6805)

TOBACCO PRODUCTS LOST OR DESTROYED**§ 270.301 Action by claimant.**

Where tobacco products are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the manufacturer desires to file a claim for the tax on such products under the provisions of § 270.282 or § 270.283, he shall

indicate on the claim the nature, date, place, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

TOBACCO PRODUCTS WITHDRAWN FROM THE MARKET**§ 270.311 Action by claimant.**

Where tobacco products are withdrawn from the market and the manufacturer desires to file claim under the provisions of § 270.282 or § 270.283, he shall assemble the products in or adjacent to a factory if they are to be returned to bond or reduced to materials and the resultant materials returned to bond, or at any suitable place if they are to be destroyed. The manufacturer shall group the products according to the rate of tax applicable thereto, and shall prepare a schedule of the products, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the products are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.312 Action by assistant regional commissioner.

Upon receipt of a schedule of tobacco products withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the tobacco products (and destruction of the stamps, if any), or he may authorize the manufacturer to dispose of the products (and destroy the stamps, if any) without supervision by so stating on the original and one copy of the schedule returned to the manufacturer.

§ 270.313 Disposition of tobacco products and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the tobacco products (and destroy the stamps, if any) as specified in the schedule. After the manufacturer has disposed of the products (and destroyed the stamps, if any), he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the products (and stamps, if any). In connection with a claim for allowance the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635. In connection with a claim for refund the manufacturer shall attach the original of the schedule to his claim, Form 843, filed under § 270.283. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the tobacco products, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the

date of disposition of the products. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim, Form 843, filed under § 270.283.

(72 Stat. 1419; 26 U.S.C. 5705)

Subpart J—Suspension and Discontinuance of Operations by Manufacturers**§ 270.331 Discontinuance of operations.**

Every manufacturer of tobacco products who desires to discontinue operations under this part shall dispose of all tobacco materials and tobacco products on hand, in accordance with this part, and make a concluding inventory and concluding report in accordance with the provisions of § 270.201 and § 270.202, respectively. The manufacturer shall surrender his permit, with such inventory and report, to the assistant regional commissioner as notice of such discontinuance. The assistant regional commissioner may then terminate the liability of the surety on the bond of the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5721, 5722)

§ 270.332 Suspension and revocation of permit.

Where the assistant regional commissioner has reason to believe that a manufacturer of tobacco products has not in good faith complied with the provisions of Chapter 52, I.R.C., and regulations thereunder, or with any other provision of the I.R.C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked. Such citation shall be issued and opportunity for hearing afforded in accordance with Part 200 of this chapter, which part is applicable to such proceedings. If the hearing examiner, or on appeal, the Director, decides the permit should be suspended or revoked, the assistant regional commissioner shall by order give effect to such decision.

(72 Stat. 1421; 26 U.S.C. 5713)

[F.R. Doc. 61-5252; Filed, June 6, 1961; 8:49 a.m.]

[26 CFR Part 275]**IMPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES****Notice of Proposed Rule Making**

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are pro-

posed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Preamble. 1. These regulations, 26 CFR Part 275, "Importation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," are promulgated to prescribe provisions relating to the importation and taxpayment of tobacco materials, cigars, cigarettes, and manufactured tobacco in a single part of this chapter, and to implement the Internal Revenue Code of 1954 as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275). These regulations supersede the existing regulations in 26 CFR Part 275 and Subpart F of 26 CFR Part 296 in their entirety, prescribe revision of provisions formerly included in 26 CFR Part 270 relating to the importation of cigars and cigarettes, the release of tobacco materials, cigars, and cigarettes from customs custody, and the manufacture of cigars in customs bonded manufacturing warehouses, class 6; prescribe revision of provisions formerly included in 26 CFR Part 275 relating to the importation of manufactured tobacco and the release of tobacco materials and manufactured tobacco from customs custody; prescribe revision of provisions formerly included in 26 CFR Part 280 relating to the release of tobacco materials from customs custody; prescribe revision of provisions formerly included in 26 CFR Part 285 relating to the importation of cigarette papers and tubes and the release of cigarette papers and tubes from customs custody; and prescribe revision of provisions formerly included in Subpart E of 26 CFR Part 296 relating to importation of tobacco products and the manufacture of cigars in customs bonded manufacturing warehouses, class 6.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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AUTHORITY: §§ 275.1 to 275.180 are issued under section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 275.1 Importation of tobacco materials, tobacco products, and cigarette papers and tubes.

This part contains the regulations relating to tobacco materials, tobacco products, and cigarette papers and tubes, imported into the United States from a foreign country or brought into the United States from Puerto Rico, the Virgin Islands, or a possession of the United States; the removal of cigars from a customs bonded manufacturing warehouse, class 6; and the release of tobacco materials, tobacco products, and cigarette papers and tubes from customs custody, without payment of internal revenue tax.

Subpart B—Definitions

§ 275.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Bonded manufacturer. A manufacturer of tobacco products in Puerto Rico who has an approved bond, in accordance with the provisions of this part, authorizing him to defer the payment in Puerto Rico of the internal revenue tax imposed on such products by section 7652(a), I.R.C., as provided in this part.

CFR. The Code of Federal Regulations.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Collector of customs. The person having charge of a customs collection district, including assistant collector of customs, deputy collector of customs, and any person authorized by law, or by regulations approved by the Secretary of the Treasury, to perform the duties of a collector of customs.

Commissioner. The Commissioner of Internal Revenue.

Computation or computed. When used with respect to the tax on tobacco products of Puerto Rican manufacture, computation or computed shall mean that the bonded manufacturer has ascertained the quantity, kind, and (if applicable) class, of tobacco products being shipped to the United States, that the payment, in Puerto Rico, of the tax on such products is to be deferred under Subpart G, that the tax imposed on such products by section 7652(a), I.R.C., has been calculated, that the bonded manufacturer has executed an agreement to pay the internal revenue tax which will become due with respect to such products, as provided in this part, and that an internal revenue officer has verified and executed a certification of such calculation.

Dealer in tobacco materials. Any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 280 of this chapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

Determined or determination. When used with respect to the internal revenue tax on tobacco products and cigarette papers and tubes, determined or determination shall mean that the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, to be removed subject to internal revenue tax, has been established as prescribed by this part so that the internal revenue tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Factory. The premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

Importer. Any person in the United States to whom nontaxpaid tobacco products or cigarette papers or tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned; any person who removes cigars for sale or consumption in the United States from a customs bonded manufacturing warehouse; and any person who smuggles or otherwise unlawfully brings tobacco products or cigarette papers or tubes into the United States.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprie-

tor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Officer-in-Charge. The principal revenue officer in Puerto Rico charged with the duty of collecting internal revenue taxes, in Puerto Rico, under the jurisdiction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

Package. The container in which tobacco products or cigarette papers or tubes are put up by the manufacturer or the importer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

Stems. The stems or midribs of tobacco.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco materials. Tobacco other than manufactured tobacco, cigars, and cigarettes, and includes tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste. Tobacco materials are categorized:

(a) **Unstemmed leaf tobacco.** Leaf tobacco from which the stem or midrib has not been removed.

(b) **Other tobacco materials.** Tobacco materials other than unstemmed leaf tobacco.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Waste. Tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

Subpart C—General

§ 275.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of

the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be so executed.

§ 275.22 Retention of records.

All records required to be kept under this part, including copies of claims and schedules, authorizations, notices of release, reports, and returns, shall be retained for three years following the close of the year in which filed or made. Such records shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 275.23 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products and cigarette papers and tubes are produced or kept, and where tobacco materials are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such articles shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 275.24 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 275.25 Disposal of forfeited, condemned, and abandoned tobacco materials, tobacco products, and cigarette papers and tubes.

When any Federal, State, or local officer having custody of forfeited, condemned, or abandoned tobacco materials, tobacco products, or cigarette papers or tubes, upon which the Federal tax has not been paid, is of the opinion that the sale thereof will not bring a price equal to the tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such articles for consumption in the United States. Where the articles are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction by burn-

ing completely or by other equally suitable means. Where such articles are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. Except where the tax is to be paid to collectors of customs in accordance with Part 20, Customs Regulations (19 CFR Part 20), on sales of articles by customs officers, the payment of tax on such articles shall be evidenced by presentation, to the officer having custody of the articles, of a receipt from the district director showing such payment: *Provided*, That tobacco materials may be sold to the highest bidder, without regard to any tax, whether by sealed bid or otherwise, if such bidder is a manufacturer of tobacco products or a dealer in tobacco materials, qualified under Chapter 52, I.R.C., to engage in such business, such materials to be accounted for in records required to be kept by him for internal revenue purposes. In the case of such articles held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5753)

§ 275.26 Alternate methods or procedures.

An importer, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) the alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where an importer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The importer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the reve-

nue is jeopardized or the effective administration of this part is hindered. The importer shall retain, as part of his records, any authorization of the Director under this section.

§ 275.27 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the importer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where an importer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The importer shall retain, as part of his records, any authorization of the Director under this section.

§ 275.28 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart D—Taxes

TAX RATES

§ 275.31 Cigars.

On cigars imported or brought into the United States, the following internal revenue taxes are imposed by law:

(a) Small cigars. 75 cents per thousand.

(b) Large cigars. (1) If removed to retail at not more than 2½ cents each, \$2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, \$3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, \$4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, \$7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, \$10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, \$15 per thousand; and

(7) If removed to retail at more than 20 cents each, \$20 per thousand.

Cigars not exempt from tax under this part which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

(68A Stat. 907; 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.32 Cigarettes.

On cigarettes imported or brought into the United States, the following internal revenue taxes are imposed by law:

(a) Small cigarettes. \$4 per thousand.

(b) Large cigarettes. \$8.40 per thousand; except that where such cigarettes are more than 6½ inches in length, the rate of tax is \$4 per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(68A Stat. 907; 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.33 Tobacco.

On tobacco, whether in the form of manufactured tobacco or tobacco materials, imported or brought into the United States, an internal revenue tax of 10 cents per pound is imposed by law.

(68A Stat. 907; 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.34 Cigarette papers.

On each book or set of cigarette papers containing more than 25 papers imported or brought into the United States, the law imposes an internal revenue tax of ½ cent for each 50 papers or fractional part thereof; except that where cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(68A Stat. 907; 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.35 Cigarette tubes.

On cigarette tubes imported or brought into the United States, the law imposes an internal revenue tax of 1 cent for each 50 tubes or fractional part thereof; except that where cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(68A Stat. 907; 72 Stat. 1414; 26 U.S.C. 7652, 5701)

TAX CLASSIFICATION OF LARGE CIGARS AND OF CIGARETTES

§ 275.37 Large cigars.

Large cigars are divided into seven classes, for internal revenue purposes, corresponding with the rates of tax imposed by section 5701(b)(2), I.R.C., and determined by the retail price intended by the importer for such cigars. The classes are designated, from the lowest to the highest rate of tax, as Class A,

Class B, Class C, Class D, Class E, Class F, and Class G, respectively. In determining the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market, exclusive of any State or local taxes imposed on cigars as a commodity. Where there is more than one price for the same cigar in its principal market, the tax to be paid shall be determined, at the time of removal, according to the price at which the majority are sold therein. Subsequent retail sale at a price in excess of the maximum for the class at which taxpaid will not, in itself, cause the importer to incur any additional tax liability.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 275.38 Cigarettes.

For internal revenue tax purposes, small cigarettes are designated Class A and large cigarettes are designated Class B.

(72 Stat. 1414; 26 U.S.C. 5701)

LIABILITY FOR AND PAYMENT OF TAXES

§ 275.40 Persons liable for tax.

The importer of tobacco materials, tobacco products, and cigarette papers and tubes, shall be liable for the internal revenue taxes imposed thereon by section 5701 or 7652, I.R.C.: *Provided*, That when tobacco products or cigarette papers or tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of tobacco products or of a manufacturer of cigarette papers and tubes, the transferee shall become liable for the internal revenue tax on such articles upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax.

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

§ 275.41 Determination of tax and method of payment.

Tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States, on which internal revenue taxes are due and payable, shall not be released from customs custody until such taxes have been determined and paid. The taxes on such articles which are determined to be due shall be paid on the basis of a return in accordance with the provisions of this part.

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

EXEMPTIONS FROM TAXES

§ 275.45 Tobacco products and cigarette papers and tubes imported by consular officers and employees of foreign states.

No internal revenue tax shall be imposed with respect to tobacco products and cigarette papers and tubes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such articles accompany the officer or employee to his post in the United States, or are imported by him at any time during the exercise of his functions therein, if:

(a) Such officer or employee is a national of the state appointing him and

is not engaged in any profession, business, or trade within the territory specified in this section;

(b) The tobacco products and cigarette papers and tubes are imported by the officer or employee for his personal or official use; and

(c) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state, as certified by the Secretary of State.

(69A Stat. 900; 26 U.S.C. 7511)

§ 275.46 Samples of cigars and cigarettes.

Samples of cigars and cigarettes, to be used in the United States by persons importing tobacco products in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for products of foreign countries. Only one sample of cigars and cigarettes of the same brand, blend, size, shape, and weight, and having the same kind of wrapper, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigars or 3 cigarettes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 275.47 Samples of manufactured tobacco.

Samples of manufactured tobacco, to be used in the United States by persons importing tobacco products in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for products of foreign countries. Only one sample of manufactured tobacco of the same kind, brand, blend, form, flavor, cut, grind, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than one-eighth of an ounce of manufactured tobacco.

(71 Stat. 486; 19 U.S.C. 1201)

§ 275.48 Samples of cigarette tubes.

Samples of cigarette tubes, to be used in the United States by persons importing cigarette papers or tubes in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for cigarette tubes manufactured in foreign countries. Only one sample of cigarette tubes of the same brand, size, shape, color, weight, and burning characteristics, and having the same kind of tip, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigarette tubes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 275.49 Tobacco products and cigarette papers and tubes for exhibition at trade fairs.

Tobacco products and cigarette papers and tubes may be imported into the United States, without payment of internal revenue tax, for the purpose of exhibition at a trade fair, exhibition, or exposition pursuant to the Trade Fair Act of 1959 (73 Stat. 18; 19 U.S.C. 1751), in accordance with Customs Regulations, 19 CFR Part 32. Such tobacco products and cigarette paper, and tubes imported into the United States must be disposed of in accordance with 19 CFR Part 32. However, if such products are sold or otherwise disposed of for consumption within, or removed from, the area of such fairs pursuant to 19 U.S.C. 1753(a), and regulations thereunder, they shall be packaged, labeled, and taxpaid, in accordance with the applicable provisions of this part prior to release from customs custody.

§ 275.50 Other exemptions.

Customs Regulations, 19 CFR, Chapter I, provide for certain other exemptions from internal revenue taxes with respect to tobacco products and cigarette papers and tubes imported into the United States.

ASSESSMENT OF TAXES

§ 275.60 Assessment.

Whenever any person required by law to pay internal revenue tax on tobacco materials, tobacco products, or cigarette papers or tubes, fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

CUSTOMS' COLLECTION OF TAXES

§ 275.62 Customs' collection of internal revenue taxes on tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States.

Internal revenue taxes on tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States, which are to be paid to a collector of customs, in accordance with this part, shall be collected, accounted for, and deposited as internal revenue collections by the collector of customs, in accordance with customs procedures and regulations: *Provided*, That, the collector of customs shall deposit the taxes collected on tobacco products and cigarette papers and tubes brought into the United States from Puerto Rico or the Virgin Islands in the

internal revenue account designated for the deposit of taxes collected on articles of Puerto Rican manufacture, or the deposit of taxes collected on articles coming from the Virgin Islands, as the case may be.

Subpart E—Packaging and Labeling

§ 275.71 Package.

All tobacco products and cigarette papers and tubes, except as provided in § 275.75, shall, before removal subject to internal revenue tax, be put up in packages which shall be of such construction as will securely contain the articles therein and maintain the notice thereon as required by this subpart. No package of tobacco products or cigarette papers or tubes shall have contained in, attached to, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.72 Notice for manufactured tobacco.

Every package of manufactured tobacco, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco," "tobacco," or "snuff," and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.73 Notice for cigars.

Every package of cigars, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation corresponding with the rate of tax imposed by section 5701(b) (2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the importer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 20 cents each."

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.74 Notice for cigarettes.

Every package of cigarettes, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein; and the classification for tax purposes, i.e., for small cigarettes either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.75 Exemptions.

The provisions of this subpart requiring that tobacco products and cigarette papers and tubes be put up in packages and that proper notice be placed on such packages shall not apply to imported tobacco products and cigarette papers and tubes authorized to be released from customs custody, without payment of internal revenue tax, pursuant to §§ 275.45, 275.46, 275.47, 275.48, and 275.50, and shall not apply to tobacco products imported in passengers' baggage, or by mail where the value does not exceed \$250, where such products are solely for the personal consumption of the importer or for disposition as his bona fide gift.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart F—Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes, Imported or Brought Into the United States

§ 275.81 Taxpayment.

Except as otherwise provided in this part, any internal revenue tax payable on tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States from a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be determined and paid to the collector of customs before removal on the basis of a return made on the customs form by which release from customs custody is to be effected. There shall be set forth on such customs form at the time of entry for consumption or for warehousing and at the time of withdrawal from warehouse for consumption, in addition to any information required for customs purposes, the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, to be removed on payment of tax, the applicable rate of tax, and the amount of tax due, substantially in the form as shown in the example below:

Quantity	Article and tax class	Rate of tax	Amount
20,000	Small cigars	\$0.75 per thousand	\$15.00
5,000	Large cigars—Class D	\$7 per thousand	35.00
1,000	Large cigars—Class E	\$10 per thousand	10.00
500	Large cigars—Class G	\$20 per thousand	10.00
10,000	Small cigarettes	\$4 per thousand	40.00
5,000	Cigarette papers—50 each set	\$8.40 per thousand	42.00
2,000 sets	Cigarette papers—100 each set	\$0.01 per set	10.00
1,000 sets	Cigarette tubes	\$0.01 per 50 tubes	10.00
1,000	Manufactured tobacco (including smoking and chewing tobacco, and snuff)	\$0.10 per pound	20.00
500 pounds	Tobacco materials	do	50.00
500 pounds			
Total			272.20

An extra copy of the customs form shall be prepared by the importer, marked "For internal revenue purposes", and filed with the collector of customs who will transmit it to the assistant regional commissioner of the region wherein the customs collection headquarters is located. (For provisions relating to the prepayment or deferred payment of tax in Puerto Rico on tobacco products and cigarette papers and tubes brought into the United States, see Subpart G.)

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

RELEASE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.85 Release from customs custody authorized.

Tobacco products manufactured in a foreign country, the Virgin Islands, or a possession of the United States may be released by the collector of customs from customs custody, without payment of internal revenue tax, for transfer to the factory of a manufacturer of tobacco products under the bond of such manufacturer. Cigarette papers and tubes manufactured in a foreign country, the Virgin Islands, or a possession of the United States may be released by the collector of customs from customs custody, without payment of internal revenue tax, for transfer, under the bond of the manufacturer to whom such articles are released, to the factory of (a) a manufacturer of cigarette papers and tubes; or (b) a manufacturer of tobacco products solely for use in the manufacture of cigarettes; or (c) in the case of cigarette papers only, a manufacturer of tobacco products to be put up by him in units of not more than 25 papers each for distribution with packages of manufactured tobacco. Releases under this section shall be in accordance with § 275.86: *Provided, however*, That a manufacturer of tobacco products or a manufacturer of cigarette papers and tubes who desires to obtain the release of Virgin Islands tobacco products or cigarette papers or tubes from customs custody, without payment of internal revenue tax, under his bond, shall, in addition, file an extension of coverage of his bond on Form 2105 in the same manner and form as prescribed for Puerto Rican articles in § 275.136. Articles received into the factory of a manufacturer under the provisions of this section are subject to the provisions of Part 270 and Part 285 of this chapter. (For provisions relating

to release of Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, see Subpart G of this part.)

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.86 Procedure for release.

Every manufacturer of tobacco products and cigarette papers and tubes who desires to obtain the release of tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, as provided in § 275.85, shall prepare a notice of release, Form 2145, in triplicate, and file the three copies of the form with the assistant regional commissioner for the region wherein the manufacturer is located. The assistant regional commissioner will not certify Form 2145 covering the release of tobacco products and cigarette papers and tubes unless the manufacturer is authorized, under Parts 270 and 285 of this chapter, to receive, without payment of tax, the kinds of articles set forth in the form. After certification by the assistant regional commissioner, all copies shall be presented by the manufacturer to the collector of customs having custody of the tobacco products and cigarette papers and tubes prior to release thereof. The collector of customs may release such articles upon completion of the notice of release and, after release, he will retain one copy of the form, transmit one copy to the assistant regional commissioner shown thereon, and return one copy to the manufacturer, which shall be retained by the manufacturer.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

RELEASE OF TOBACCO MATERIALS FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.90 Release from customs custody authorized.

The collector of customs may release tobacco materials grown in a foreign country, the Virgin Islands, or a possession of the United States, from customs custody, without payment of internal revenue tax, for delivery to a dealer in tobacco materials or to a manufacturer of tobacco products, under the bond of such dealer or manufacturer. Such release shall be in accordance with § 275.91. (For provisions relating to release of Puerto Rican tobacco materials from customs custody, without payment of tax see Subpart G of this part.)

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.91 Procedure for release.

Every dealer in tobacco materials who desires to obtain the release of tobacco materials from customs custody, without payment of internal revenue tax, under his bond, as provided in § 275.90, shall certify on the customs form by which release from customs custody is to be effected that he is a properly bonded dealer in tobacco materials, under Part 280 of this chapter, giving the internal revenue number assigned to his establishment, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Similarly, every manufacturer of tobacco products shall certify on the customs form by which release from customs custody is to be effected that he holds an internal revenue permit as a manufacturer of tobacco products, under Part 270 of this chapter, giving such permit number, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Upon release of the tobacco materials, the collector of customs will return one copy of the customs release form to the dealer or manufacturer, as the case may be, which shall be retained by such dealer or manufacturer.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

Subpart G—Puerto Rican Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes, Brought Into the United States

§ 275.101 General.

Tobacco products and cigarette papers and tubes manufactured in Puerto Rico which are brought into the United States and withdrawn for consumption or sale are subject to the tax imposed by section 7652(a), I.R.C., at the rates set forth in section 5701, I.R.C. All United States internal revenue taxes collected on such tobacco products and cigarette papers and tubes are, pursuant to section 7652(a)(3), I.R.C., covered into the Treasury of Puerto Rico. This internal revenue tax on tobacco products and cigarette papers and tubes of Puerto Rican manufacture may be prepaid in Puerto Rico prior to shipment of such articles to the United States in accordance with § 275.105, or in the case of tobacco products such tax may be paid in Puerto Rico on the basis of a semi-monthly return in accordance with the applicable provisions of this subpart. Tobacco products may also be shipped to the United States and released from customs custody, without payment of internal revenue tax, for transfer to the factory of a manufacturer of tobacco products under the bond of such manufacturer in accordance with § 275.135; and cigarette papers and tubes may be similarly shipped and released from customs custody for transfer to the factory of (a) a manufacturer of cigarette papers and tubes, or (b) a manufacturer of tobacco products solely for use in the manufacture of cigarettes, or (c) in the case of cigarette papers only, a manufacturer of tobacco products to be put up by him in units of not more than 25 papers each for distribution with packages of

manufactured tobacco under the bond of the manufacturer to whom such articles are released, in accordance with § 275.135. Tobacco products and cigarette papers and tubes of Puerto Rican manufacture on which the internal revenue tax has not been paid or computed in Puerto Rico and which are not to be released from customs custody, without payment of internal revenue tax, under bond, shall not be withdrawn from customs custody until internal revenue tax thereon has been paid in accordance with § 275.81. Tobacco materials brought in from Puerto Rico may be released from customs custody, without payment of internal revenue tax, for delivery to a dealer in tobacco materials or to a manufacturer of tobacco products under the bond of such dealer or manufacturer in accordance with § 275.145.

(68A Stat. 907, 72 Stat. 1417, 1418; 26 U.S.C. 7652, 5703, 5704)

PREPAYMENT OF TAX IN PUERTO RICO ON TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

§ 275.105 Prepayment of tax.

To prepay, in Puerto Rico, the internal revenue tax imposed by section 7652(a), I.R.C., on tobacco products and cigarette papers and tubes of Puerto Rican manufacture which are to be shipped to the United States, the shipper shall file, or cause to be filed, with the Officer-in-Charge, a tax return, Form 3073, in triplicate, with full remittance of tax which will become due on such tobacco products or cigarette papers or tubes. The Officer-in-Charge will present a receipted copy of the return to the person filing the return and paying the tax, retain one copy, and forward the remaining copy to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York. The person who filed the return and prepaid the tax shall present the receipted copy of the return to the internal revenue officer assigned by the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, to inspect the tobacco products or cigarette papers or tubes to be shipped to the United States. Such officer will endorse the receipted copy of the return to show release of the tobacco products or cigarette papers or tubes, or, if less than the quantity of tobacco products or cigarette papers or tubes covered by the return is released, to show the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, in fact released and will return such copy to the taxpayer.

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

§ 275.106 Inspection of shipment and certification of prepayment by internal revenue officer.

The internal revenue officer, assigned to inspect Puerto Rican tobacco products and cigarette papers and tubes to be shipped to the United States in accordance with § 275.105, will prepare, for each shipping container, a statement on Form 3074 that the tax has been prepaid,

and show the name and address of the shipper, date of prepayment, and the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes. The shipper shall affix the completed Form 3074 to the outside of each shipping container in which the articles are packed. Such statement, Form 3074, shall be affixed to the outer container used in the shipment of freight in bulk (crate, packing box, van, trailer, etc.) and not on the individual cartons, cases, etc., included in such outer container. In addition, such officer will prepare Form 3075, in quintuplicate, identifying the tobacco products and cigarette papers and tubes released in each shipment and certifying that the tax has been prepaid thereon, and will (a) present one copy to the taxpayer for attachment to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the collector of customs at the port of entry; (b) promptly mail two copies to the collector of customs at the port of entry; (c) mail one copy to the assistant regional commissioner of the region wherein the customs collection headquarters is located; and (d) retain the remaining copy.

§ 275.107 Procedure at port of entry.

The collector of customs at the port of entry shall inspect the shipment to determine whether the quantity specified on the Form 3075 is contained in the shipment. He will then execute his certificate on the three copies of the Form 3075, in his possession, and indicate on each copy any exceptions found at the time of release. The statement of exceptions shall identify each shipping container which sustained a loss, the tobacco products or cigarette papers or tubes reported shipped in such container, and the tobacco products or cigarette papers or tubes lost from such container. Losses occurring as the result of missing packages, cases, or shipping containers shall be listed separately from losses caused by damage. Where the statement is made on the basis of tobacco products or cigarette papers or tubes missing or damaged, the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes shall be shown. If the collector of customs finds that the full amount of the tax has not been prepaid, he will require the difference due to be paid to him prior to release of the tobacco products or cigarette papers or tubes. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the collector of customs, the shipment may be released.

§ 275.108 Disposition of forms by collector of customs.

One copy of the Form 3075 will be forwarded to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York, one copy will be furnished the consignee, and one copy of this form will be retained by the collector of customs and be made available

for inspection by internal revenue officers.

DEFERRED PAYMENT OF TAX IN PUERTO RICO ON TOBACCO PRODUCTS

§ 275.109 Bond required for deferred tax payment.

Where a manufacturer of tobacco products in Puerto Rico desires to defer payment in Puerto Rico of the internal revenue tax imposed by section 7652(a), I.R.C., on tobacco products of Puerto Rican manufacture coming into the United States, he shall file a bond, Form 2986, with the Officer-in-Charge, in accordance with the provisions of this subpart. Such bond shall be conditioned on the payment, at the time and in the manner prescribed in this subpart, of the full amount of tax computed under the provisions of this subpart with respect to tobacco products which are released for shipment to the United States on computation of tax. All taxes which are computed under the provisions of this subpart shall be chargeable against the bond, until such taxes are paid, as provided in § 275.112. The bond shall show the location of the factory from which the tobacco products to which it relates are to be shipped.

§ 275.110 Computation of tax and execution of agreement to pay tax.

Where tobacco products are to be shipped to the United States on computation of internal revenue tax in Puerto Rico (involving deferred tax payment), the bonded manufacturer shall calculate the tax and shall prepare Form 2987, in septuplicate, shall enter on such form under the penalties of perjury the kind, quantity, and (if applicable) class, of the tobacco products to be shipped to the United States, the amount of the tax to be paid on such products under the provisions of this subpart, and the name and address of the consignee in the United States to whom such products are being shipped, and shall date and execute the agreement to pay the amount of tax which shall be computed on such products covered by the Form 2987. The Form 2987 shall be serially numbered by the bonded manufacturer beginning with the number "1" on January 1 of each year. The bonded manufacturer shall then request the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, to assign an internal revenue officer to inspect the tobacco products, verify the tax calculation with respect to such products, and release such products for shipment in accordance with § 275.111. The bonded manufacturer shall present all copies of the prepared Form 2987 to the internal revenue officer assigned. The date of certification of Form 2987 by the internal revenue officer shall be treated as the date of computation of tax. Tobacco products may be released for shipment to the United States in accordance with the provisions of this section only after computation of tax.

§ 275.111 Inspection of shipment and certification by internal revenue officer.

On receipt of the original and six copies of the Form 2987 completed and executed by the bonded manufacturer in

accordance with § 275.110, an internal revenue officer will inspect the tobacco products covered by the form, verify the tax calculation made with respect to such products, date and execute the certification on such form, and release the tobacco products for shipment to the United States. Such officer will then promptly distribute the certified Form 2987 by (a) mailing the original to the Officer-in-Charge; (b) mailing two copies to the collector of customs at the port of entry; (c) mailing one copy to the assistant regional commissioner of the region wherein the customs collection headquarters is located; (d) returning two copies to the bonded manufacturer who will attach one copy to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the collector of customs at the port of entry; and (e) submitting one copy to the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico. Such officer will also prepare, for each shipping container, a statement on Form 2989 that the tax on the tobacco products to be shipped to the United States has been computed and show the name and address of the bonded manufacturer, date of tax computation, and the quantity, kind, and (if applicable) class, of tobacco products. The bonded manufacturer shall affix the completed Form 2989 to the outside of each shipping container in which the products are packed. Such statement, Form 2989, shall be affixed to the outer container used in the shipment of freight in bulk (crate, packing box, van, trailer, etc.) and not on the individual cartons, cases, etc., included in such outer container.

§ 275.112 Tax return.

The internal revenue taxes imposed by section 7652(a), I.R.C., with respect to tobacco products manufactured in Puerto Rico and shipped to the United States on computation of tax under the provisions of this subpart shall be paid on the basis of a semimonthly tax return. The bonded manufacturer of such products shall file with the Officer-in-Charge a semimonthly tax return, Form 2988, in triplicate, for each and every return period. The bonded manufacturer shall show on the return the serial numbers of all Forms 2987 certified during the return period, the kind, quantity, and (if applicable) class, of tobacco products upon which the tax has been computed during the semimonthly return period, and the tax due thereon, and shall execute the return, Form 2988, under the penalties of perjury. He shall file a return for each return period at the time specified in § 275.113, regardless of whether tax is due for that return period: *Provided*, That where the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York, grants specific authorization, the bonded manufacturer need not file a tax return during the term of such authorization for any period in which tax liability was not incurred under the provisions of this subpart.

§ 275.113 Return periods.

The periods to be covered in the semimonthly tax returns shall be from the

1st day through the 15th day of each month, and from the 16th day through the last day of each month.

§ 275.114 Time of filing.

Every semimonthly tax return under this subpart shall be filed by the bonded manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided*, That where the return and remittance are delivered by United States mail to the Officer-in-Charge, the date in the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. The Officer-in-Charge will transmit a receipted copy of the semimonthly tax return to the bonded manufacturer who filed the return and paid the tax, retain one copy, and forward one copy to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York. As used in this section, the term "business day" shall mean any day other than Saturday, Sunday, or a legal holiday in the Commonwealth of Puerto Rico.

§ 275.115 Remittance with return.

Remittance for the full amount of internal revenue tax computed during the return period shall accompany the return. Such remittance may be in any form the Officer-in-Charge is authorized to accept under the provisions of § 301.6311-1 of this chapter (Procedure and Administration—Payment by check or money order) and which is acceptable to that officer. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778; 26 U.S.C. 6313)

§ 275.116 Default.

Where a check or money order tendered with a semimonthly return for payment of internal revenue tax under the provisions of this subpart is not paid on presentment, where a bonded manufacturer fails to remit with the semimonthly return the full amount of tax due thereunder, or where a bonded manufacturer is otherwise in default in payment of tax under the provisions of this subpart, he shall not ship tobacco products to the United States on computation of tax, until the Officer-in-Charge finds that the revenue will not be jeopardized by deferred payment of tax under the provisions of this subpart.

§ 275.117 Procedure at port of entry.

The collector of customs at the port of entry shall inspect the shipment to determine whether the quantity specified on the Form 2987 is contained in the shipment. He will then execute his certificate on the three copies of the Form 2987, in his possession, and indicate on each copy any exceptions found at the time of release. The statement of exceptions shall identify each shipping container which sustained a loss, the tobacco products reported shipped in such container, and the tobacco products lost from such container. Losses occurring as the result of missing packages, cases,

or shipping containers shall be listed separately from losses caused by damage. Where the statement is made on the basis of tobacco products missing or damaged, the quantity, kind, and (if applicable) class, of tobacco products shall be shown. If the collector of customs finds that the full amount of tax due has not been computed, he will require the difference due to be paid to him prior to release of the tobacco products. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the collector of customs, the shipment may be released.

§ 275.118 Disposition of forms by collector of customs.

One copy of the Form 2987 will be forwarded to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York, one copy will be furnished the consignee, and one copy of this form will be retained by the collector of customs and be made available for inspection by internal revenue officers.

§ 275.119 Corporate surety.

Surety bonds, required under the provisions of this subpart, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury of the United States as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(61 Stat. 648; 6 U.S.C. 6)

§ 275.120 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the manufacturer of tobacco products in Puerto Rico may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed both as to interest and as to principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 275.121 Amount of bond.

In order that tobacco products may be shipped to the United States on computation of tax under the provisions of this subpart, the total amount of the bond or bonds shall at all times be in an amount not less than the amount of unpaid tax chargeable at any one time against the bond: *Provided*, That the amount of any such bond need not exceed \$250,000 but shall in no case be less than \$1,000. Where the amount of a bonded manufacturer's bond is less than the maximum prescribed, the bonded manufacturer shall maintain a running account accurately reflecting all out-

standing taxes with which his bond is chargeable. He shall charge such account with the amount of tax he agreed to pay on Forms 2987 and shall credit the account for the amount he paid with his return, Form 2988, at the time he files such return.

§ 275.122 Strengthening bond.

Where the amount of any bond is no longer sufficient under the provisions of § 275.121, the bonded manufacturer shall immediately file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, unless a superseding bond is filed pursuant to § 275.123. A strengthening bond will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

§ 275.123 Superseding bond.

A bonded manufacturer shall immediately file a new bond to supersede his current bond when (a) the corporate surety on the current bond becomes insolvent, (b) the Officer-in-Charge approves a request from the surety on the current bond to terminate his liability under the bond, (c) the payment of any liability under a bond is made by the surety thereon, (d) the amount of the bond is no longer sufficient under the provisions of § 275.121 and a strengthening bond has not been filed, or (e) the Officer-in-Charge considers a superseding bond necessary for the protection of the revenue.

§ 275.124 Extension of coverage of bond.

An extension of coverage of the bond of a bonded manufacturer shall be required in the case of any change in the location of the factory as set forth in the bond. Such extension of coverage of the bond shall be manifested on Form 2105 by the bonded manufacturer and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

§ 275.125 Approval of bond and extension of coverage of bond.

The Officer-in-Charge is authorized to approve all bonds and extensions of coverage of bonds (except under § 275.136) filed under this subpart. No manufacturer of tobacco products in Puerto Rico shall defer taxes under this subpart until he receives from the Officer-in-Charge notice of approval of the bond or of an appropriate extension of coverage of the bond required under this subpart. Upon receipt of the duplicate copy of an approved bond or extension of coverage of bond from the Officer-in-Charge, such copy of the bond or extension of coverage of bond shall be retained by the bonded manufacturer and shall be made available for inspection by any internal revenue officer upon his request.

§ 275.126 Termination of bond.

Any bond given under the provisions of this subpart may be terminated as to future transactions, by the Officer-in-

Charge, (a) pursuant to application of surety as provided in § 275.127; (b) on approval of a superseding bond; (c) on notification by the bonded manufacturer to the Officer-in-Charge that he has discontinued the deferral of taxes under the bond; or (d) on notification by the bonded manufacturer to the Officer-in-Charge that he has discontinued business. When any bond is terminated, the Officer-in-Charge shall notify both the bonded manufacturer and surety on such bond, in writing, of such action.

§ 275.127 Application of surety for relief from bond.

A surety on any bond given under the provisions of this subpart may at any time in writing notify the bonded manufacturer and the Officer-in-Charge that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 10 days after the date the notice is received by the Officer-in-Charge. The surety shall also file with the Officer-in-Charge an acknowledgment or other proof of service on the bonded manufacturer. If such notice is not thereafter in writing withdrawn, the rights of the bonded manufacturer as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 275.128.

§ 275.128 Relief of surety from bond.

Where the surety on a bond given under the provisions of this subpart has filed application for relief from liability, as provided in § 275.127, the surety shall be relieved from liability for transactions occurring wholly subsequent to the date specified in the notice, or the effective date of a new bond, if one is given.

§ 275.129 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 275.120, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the Officer-in-Charge until the liability under the bond for which they were pledged has been terminated. When the Officer-in-Charge is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the Officer-in-Charge may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

RELEASE OF PUERTO RICAN TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.135 Release from customs custody, without payment of tax.

Puerto Rican tobacco products and cigarette papers and tubes may not be released from customs custody, without payment of internal revenue tax, under the provisions of § 275.101, unless the manufacturer in the United States has filed an extension of coverage of his bond in accordance with § 275.136, and obtains

the release of such articles as provided in this subpart.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.136 Extension of coverage of bond.

Every manufacturer of tobacco products in the United States who desires to obtain the release of Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, and every manufacturer of cigarette papers and tubes who desires to obtain the release of Puerto Rican cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, shall, prior to obtaining the release of such articles, file an extension of coverage of his bond on Form 2105 with the assistant regional commissioner of the region in which his factory is located. This extension of coverage shall be executed by the principal and the surety and shall be in the following form:

Whereas, the purpose of this extension is to bind the obligors for the payment of the tax imposed by section 7652(a), I.R.C., on tobacco products and/or cigarette papers and tubes manufactured in Puerto Rico and released in the United States from customs custody without payment of tax, for delivery to the principal on said bond.

Now, therefore, the said bond is further specifically conditioned that the principal named therein shall pay all taxes imposed by section 7652(a), I.R.C. (plus penalties, if any, and interest) for which he may become liable with respect to tobacco products and/or cigarette papers and tubes manufactured in Puerto Rico which are released to him in the United States from customs custody without payment of tax thereon, and comply with all provisions of law and regulations with respect thereto.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.137 Notice of release.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who desires under the provisions of this subpart to obtain the release of Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, shall prepare a notice of release, Form 3072, in quintuplicate, and file the five copies of the form with the assistant regional commissioner for the region wherein the manufacturer is located. The assistant regional commissioner will not certify Form 3072 covering the release of tobacco products and cigarette papers and tubes unless the manufacturer is authorized, under Parts 270 and 285 of this chapter, to receive, without payment of tax, the kinds of articles set forth in the form. After certification by the assistant regional commissioner, the manufacturer shall forward all five copies of the form to the shipper in Puerto Rico. The shipper in Puerto Rico shall execute Part I on all copies of the form, forward four copies to the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, and retain the remaining copy for his records. The internal revenue officer assigned to inspect the tobacco products and cigarette papers and tubes to be shipped, after determining that the

shipment has been correctly described in Part I, will execute Part II on all four copies of the form, and will (a) present one copy to the shipper to accompany the shipment (in custody of the carrier) for presentation to the collector of customs at the port of entry; (b) promptly mail two copies to the collector of customs at the port of entry in the United States; and (c) retain the remaining copy.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.138 Action by collector of customs.

The collector of customs at the port of entry will note in Part III, on the three copies of the notice of release, Form 3072, in his possession, any exceptions found, showing the numbers and marks on each shipping container from which a loss was sustained, the quantity of tobacco products or cigarette papers or tubes reported shipped in such shipping container, and the quantity of the articles lost. The collector of customs will execute the Notice of Release on each such copy of the form, release the shipment with one copy to the consignee, mail one copy to the assistant regional commissioner shown on the form, and retain the remaining copy for his records.

§ 275.139 Records.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who receives tobacco products and cigarette papers and tubes of Puerto Rican manufacture, without payment of internal revenue tax, under his bond, shall keep a separate record which will show the date and quantity, kind, and (if applicable) class, of tobacco products, and the date and number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes: (a) Received, (b) removed subject to tax, (c) removed for tax-exempt purposes, and (d) otherwise disposed of.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 275.140 Taxpayment in the United States.

Every manufacturer of tobacco products in the United States who receives Puerto Rican tobacco products from customs custody, without payment of internal revenue tax, under his bond, and subsequently removes such products, subject to tax, shall pay the tax imposed on such products by section 7652(a) I.R.C., at the rates prescribed in section 5701, I.R.C., on the basis of a return under the provisions of Part 270 of this chapter applicable to the taxpayment of tobacco products. Similarly, every manufacturer of cigarette papers and tubes in the United States who receives Puerto Rican cigarette papers and tubes and subsequently removes such articles, shall pay the tax imposed on such articles by section 7652(a), I.R.C., at the rates prescribed in section 5701, I.R.C., on the basis of a return under the provisions of Part 285 of this chapter applicable to taxpayment of cigarette papers and tubes. Such tobacco products and cigarette papers and tubes shall be separately listed and identified as articles of Puerto

Rican manufacture on the returns, Form 3071 and Form 2137, and the amount of tax paid on such articles shall be separately stated on such forms.

§ 275.141 Reports.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who receives Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, shall report the receipt and disposition of such tobacco products and cigarette papers and tubes on supplemental monthly reports. Such supplemental reports shall be made on Form 3068 or Form 2138 and shall have inserted thereon the heading, "Tobacco Products of Puerto Rican Manufacture" or "Cigarette Papers and Tubes of Puerto Rican Manufacture", as the case may be. The original of such supplemental report shall be attached to the manufacturer's regular monthly report when filed.

(72 Stat. 1422; 26 U.S.C. 5722)

RELEASE OF PUERTO RICAN TOBACCO MATERIALS FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.145 Procedure for release.

Every dealer in tobacco materials and manufacturer of tobacco products in the United States who desires to bring tobacco materials from Puerto Rico into the United States, without payment of internal revenue tax, under the provisions of § 275.101, shall have such tobacco materials consigned to him in care of the collector of customs at the port of entry in the United States. To obtain release of such tobacco materials from customs custody, without payment of internal revenue tax, the dealer in tobacco materials in the United States shall certify in writing, under the penalties of perjury, to such collector of customs that he is a properly bonded dealer in tobacco materials, under Part 280 of this chapter, giving the internal revenue number assigned to his establishment, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Similarly, a manufacturer of tobacco products in the United States shall certify in writing, under the penalties of perjury, to the collector of customs that he holds an internal revenue permit as a manufacturer of tobacco products under Part 270 of this chapter, giving such permit number, and that he is authorized, by Section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Upon release of the tobacco materials, the collector of customs will stamp the date of release on the certification and return it to the dealer or manufacturer, as the case may be, which shall be retained by such dealer or manufacturer.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

Subpart H—Taxpayment of Cigars Produced in Customs Bonded Manufacturing Warehouses, Class 6

§ 275.151 Taxpayment.

A proprietor of a customs bonded manufacturing warehouse, class 6, who

removes cigars for sale or consumption in the United States shall pay the tax on such cigars on the basis of a return to the collector of customs in accordance with customs procedures and regulations. The tax shall be accounted for and deposited as internal revenue collections by the collector of customs.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 275.152 Packaging requirements.

Cigars removed from a customs bonded manufacturing warehouse, class 6, for sale or consumption in the United States shall be put in packages and bear the notice for cigars, in accordance with §§ 275.71 and 275.73.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart I—Claims

GENERAL

§ 275.161 Abatement of assessment.

A claim for abatement of the unpaid portion of the assessment of any tax on tobacco materials, tobacco products, and cigarette papers and tubes, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount, is assessed after expiration of the applicable period of limitation, or is erroneously or illegally assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed, and the duplicate of the claim shall be retained by the claimant.

(68A Stat. 792; 26 U.S.C. 6404)

§ 275.162 Losses caused by disaster occurring after September 2, 1958.

Claims involving internal revenue tax paid or determined and customs duty paid on tobacco products and cigarette papers and tubes removed, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" occurring in the United States after September 2, 1958, shall be filed in accordance with the provisions of Subpart C of Part 296 of this chapter.

(72 Stat. 1420; 26 U.S.C. 5708)

§ 275.163 Refund of tax.

The taxes paid on imported tobacco products and cigarette papers and tubes may be refunded (without interest) to the taxpayer on proof satisfactory to the assistant regional commissioner that the taxpayer has paid the tax on tobacco products and cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such taxpayer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products and cigarette papers and tubes by Chapter 52, I.R.C., has been

paid in respect to the tobacco products and cigarette papers and tubes covered by the claim, and that the articles were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed and shall be executed under the penalties of perjury. A claim for refund relating to articles lost or destroyed shall be supported as prescribed in § 275.165, and a claim relating to articles withdrawn from the market shall include a schedule prepared and verified as prescribed in §§ 275.170 and 275.171 or §§ 275.172 and 275.173. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid. The duplicate of the claim, with the copy of any verified supporting schedule, shall be retained by the claimant.

(72 Stat. 1419; 26 U.S.C. 5705)

TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES LOST OR DESTROYED

§ 275.165 Action by taxpayer.

Where imported tobacco products and cigarette papers and tubes are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to complying with the requirements of § 275.163, indicate on the claim the nature, date, place, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES WITHDRAWN FROM THE MARKET

§ 275.170 Destruction, action by taxpayer.

Where imported tobacco products and cigarette papers and tubes are withdrawn from the market and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to the requirements of § 275.163, assemble the articles at any suitable place, if they are to be destroyed. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 275.171 Destruction, action by assistant regional commissioner.

Upon receipt of a schedule of imported tobacco products and cigarette papers and tubes withdrawn from the market by a taxpayer who desires to destroy such articles, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise destruction of the articles (and stamps, if any), or the assistant regional

commissioner may authorize the taxpayer to destroy the articles (and stamps, if any) without supervision by so stating on the original and one copy of the schedule returned to the taxpayer.

§ 275.172 Return to nontaxpaid status or reduction to materials, action by taxpayer.

Where imported tobacco products and cigarette papers and tubes are withdrawn from the market and the taxpayer desires to file a claim for refund of the tax on such articles and return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, he shall, in addition to the requirements of § 275.163, assemble the articles in or adjacent to the factory in which such articles are to be retained or received in a nontaxpaid status or in which the resultant tobacco materials are to be retained or received. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 275.173 Return to nontaxpaid status or reduction to materials, action by assistant regional commissioner.

Upon receipt of a schedule of imported tobacco products and cigarette papers and tubes withdrawn from the market by a taxpayer who desires to return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the articles (and destruction of the stamps, if any) or the assistant regional commissioner may authorize the receiving manufacturer to verify the schedule and disposition of the articles (and destruction of the stamps, if any) covered therein, without supervision, by so stating on the original and one copy of the schedule returned to the manufacturer. Where the receipt in a factory of tobacco products and cigarette papers and tubes has been verified, such articles shall be treated by the receiving manufacturer as nontaxpaid and shall be covered by the manufacturer's bond.

§ 275.174 Disposition of tobacco products and cigarette papers and tubes, and schedule.

When an internal revenue officer is assigned to verify the schedule and supervise destruction or other disposition of imported tobacco products and cigarette papers and tubes, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of such articles. The internal revenue officer shall return the original and one copy of the certified schedule to the taxpayer. When a taxpayer destroys imported tobacco products and cigarette papers and tubes (and stamps, if any) or a receiving manu-

facturer verifies the schedule and disposition of imported tobacco products and cigarette papers and tubes (and destruction of stamps, if any), he shall execute a certificate on the original and the copy of the schedule presented to him, to show the disposition and the date of disposition of the articles. The taxpayer shall attach the original of the certified schedule to his claim for refund.

REDEMPTION OF STAMPS

§ 275.180 Claim for redemption of stamps.

Tobacco products tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the importer of such products has no use, may be redeemed by such importer. Any claim for redemption of stamps under this section shall be prepared on Form 843, in duplicate, and the original shall be filed with the assistant regional commissioner, for the region in which the stamps were purchased, within three years after the stamps were purchased from the Government. Stamps may be presented with the claim or they may be destroyed under internal revenue supervision, or satisfactory evidence shall be submitted with the claim showing the reason why they cannot be so presented or destroyed. Where the stamps are to be destroyed, the importer shall prepare a schedule on Form 178, in duplicate, for the stamps covered by the claim. When the schedule has been prepared, the importer shall request the assistant regional commissioner to assign an internal revenue officer to verify the schedule and supervise the destruction of the stamps. The original of the verified schedule shall be returned to the importer and be attached to his claim, Form 843, when filed. If required, the importer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim. (68A Stat. 830, as amended by 72 Stat. 1313; 26 U.S.C. 6805)

[F.R. Doc. 61-5253; Filed, June 6, 1961; 8:49 a.m.]

[26 CFR Part 280]

DEALERS IN TOBACCO MATERIALS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should

submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the *FEDERAL REGISTER*. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to improve the procedures in connection with the release of imported tobacco materials from customs custody, without payment of tax, for delivery to a dealer in tobacco materials, and to make certain editorial and conforming changes, regulations in 26 CFR Part 280 are amended as follows:

§ 280.12 [Deletion]

1. Section 280.12 is deleted.

§ 280.13 [Deletion]

2. Section 280.13 is deleted.

§ 280.15 [Deletion]

3. Section 280.15 is deleted.

§ 280.21 [Deletion]

4. Section 280.21 is deleted.

§ 280.24 [Deletion]

5. Section 280.24 is deleted.

§ 280.29 [Deletion]

6. Section 280.29 is deleted.

§ 280.30 [Deletion]

7. Section 280.30 is deleted.

§ 280.32 [Deletion]

8. Section 280.32 is deleted.

9. Section 280.33 is amended to read:

§ 280.33 Tobacco materials.

"Tobacco materials" shall mean tobacco other than manufactured tobacco, cigars, and cigarettes, and includes tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste. Tobacco materials are categorized:

(a) *Unstemmed leaf tobacco*. Leaf tobacco from which the stem or midrib has not been removed.

(b) *Other tobacco materials*. Tobacco materials other than unstemmed leaf tobacco.

10. Section 280.43 is amended to read as follows:

§ 280.43 Alternate methods or procedures.

A dealer in tobacco materials, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or pro-

cedure, and affords equivalent security to the revenue, and

(c) the alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a dealer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The dealer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The dealer shall retain, as part of his records, any authorization of the Director under this section.

11. A new section designated, § 280.44a is added, to read:

§ 280.44a Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the dealer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a dealer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The dealer shall retain,

as part of his records, any authorization of the Director under this section.

12. Section 280.101 is amended to read:

§ 280.101 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety the dealer in tobacco materials may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

13. Section 280.108 and the heading are amended to read:

§ 280.108 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 280.101 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

14. Section 280.121 is amended to read:

§ 280.121 Tobacco materials released from customs custody.

The release of tobacco materials from customs custody, without payment of tax, for delivery to a dealer in tobacco materials, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

[F.R. Doc. 61-5254; Filed, June 6, 1961; 8:49 a.m.]

[26 CFR Part 285]

MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any

person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order (1) to remove from the regulations in 26 CFR Part 285 all provisions relating to the importation of cigarette papers and tubes, which are being incorporated in the new 26 CFR Part 275 "Importation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," (2) to prescribe the use of certain forms in connection with claims, and (3) to make conforming, clarifying, and editorial changes, the regulations in 26 CFR Part 285 are amended as follows:

1. The title of this part is amended to read "Manufacture of Cigarette Papers and Tubes".

2. Section 285.1 and the heading are amended to read as follows:

§ 285.1 Manufacture of cigarette papers and tubes.

This part contains the regulations relating to the manufacture of cigarette papers and tubes; the payment of internal revenue taxes imposed by Chapter 52 of the Internal Revenue Code; and the qualification of and operations by manufacturers of cigarette papers and tubes.

3. A new section, designated § 285.3, is added immediately following § 285.2.

§ 285.3 Territorial extent.

The provisions of the regulations in this part shall apply in the several States of the United States and the District of Columbia.

§ 285.11 [Amendment]

4. Section 285.11 is amended as follows:

(A) By deleting the definition entitled "Importer".

(B) By striking, in the definition entitled "Internal revenue officer", the words "Treasury Department" and inserting, in lieu thereof, the words "Internal Revenue Service".

(C) By deleting the definitions entitled "Manufacturer of cigarettes" and "Manufacturer of tobacco".

(D) By adding, immediately following the definition entitled "Manufacturer of cigarette papers and tubes", a new definition to read:

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco

(other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

5. Section 285.23 is amended to read as follows:

§ 285.23 Persons liable for tax.

The manufacturer of cigarette papers and tubes shall be liable for the taxes imposed on such articles by section 5701, I.R.C.: *Provided*, That when cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer, a manufacturer of tobacco products, or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such papers and tubes and the transferor shall thereupon be relieved of his liability for the tax. When cigarette papers and tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of such papers and tubes or a manufacturer of tobacco products, the transferee shall become liable for the tax on the papers and tubes upon release from customs custody. Any person who possesses cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 285.25 [Amendment]

6. Section 285.25 is amended by changing the period at the end of the second sentence to a colon and adding "*Provided*, That where the manufacturer so requests by letter, in duplicate, and the assistant regional commissioner grants specific authorization, the manufacturer need not, during the term of such authorization, file a tax return for any month for which tax is not due or payable."

§ 285.26 [Amendment]

7. Section 285.26 is amended by changing the period at the end of the fourth sentence to a comma and adding the clause "both subject to the period of limitations prescribed in section 6511, I.R.C."

§ 285.27 [Deletion]

8. Section 285.27 is deleted.

§ 285.31 [Amendment]

9. Section 285.31 is amended by striking the words "or importer".

10. A new section, designated § 285.34a, is added immediately following § 285.34.

§ 285.34a Alternate methods or procedures.

A manufacturer of cigarette papers and tubes, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

11. Section 285.35 is amended to read as follows:

§ 285.35 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, condi-

tions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

12. Section 285.72 is amended to read as follows:

§ 285.72 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the manufacturer of cigarette papers and tubes may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

13. Section 285.79 and the heading are amended to read as follows:

§ 285.79 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 285.72 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

14. Section 285.131 is amended to read as follows:

§ 285.131 Transfer in bond.

A manufacturer of cigarette papers and tubes may transfer such papers and tubes, under his bond, without payment of tax, to the bonded premises of any manufacturer of cigarette papers and tubes, or to the bonded premises of any manufacturer of tobacco products solely for use in the manufacture of cigarettes, or, in the case of cigarette papers only, to be put up by him in units of not more

than 25 papers each for distribution with packages of manufactured tobacco. The transfer of cigarette papers and tubes, without payment of tax, to the bonded premises of an export warehouse proprietor shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

15. Section 285.132 is amended to read as follows:

§ 285.132 Release from customs custody.

The release of cigarette papers and tubes from customs custody, without payment of tax, for transfer to the premises of a cigarette papers and tubes factory or a tobacco products factory, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

16. Section 285.134 and the heading are amended to read as follows:

§ 285.134 Removal for export purposes.

The removal of cigarette papers and tubes, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§§ 285.151, 285.161, 285.162 [Deletion]

17. Subpart J—Operations by Importers, consisting of §§ 285.151, 285.161, and 285.162, is deleted.

18. Section 285.172 is amended to read as follows:

§ 285.172 Allowance.

Relief from the payment of tax on cigarette papers and tubes may be extended to a manufacturer by allowance of the tax, where the cigarette papers and tubes, after removal from the factory upon determination of tax and prior to the payment of such tax, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such articles, or are withdrawn by him from the market. Any claim for allowance under this section shall be filed on Form 2635, in triplicate, with the assistant regional commissioner for the region in which the articles were removed, shall be executed under penalties of perjury and shall show the date the cigarette papers and tubes were removed from the factory. A claim relating to articles lost or destroyed shall be supported as prescribed in § 285.181. In the case of a claim relating to cigarette papers and tubes withdrawn from the market, the schedule, as provided in § 285.191, shall be filed with the assistant regional commissioner for the region in which the articles are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim. Cigarette papers and tubes to which such a claim

relates must be shown to have been removed on determination of tax on the return covering the period during which such papers and tubes were so removed. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When such notification of allowance of the claim or any part thereof is received prior to the time the return covering the tax on the cigarette papers and tubes to which the claim relates is to be filed, the manufacturer may make an adjusting entry and explanatory statement in that tax return. Where the notice of allowance is received subsequent to the filing of the return and taxpayment of the cigarette papers and tubes to which the claim relates, the manufacturer may make an adjusting entry and explanatory statement on the next subsequent tax return(s) to the extent necessary to take credit in the amount of the allowance. (72 Stat. 1419; 26 U.S.C. 5705)

§ 285.173 [Amendment]

19. Section 285.173 is amended by striking in the first sentence the words "or importer" wherever they appear.

20. Section 285.174 is amended to read as follows:

§ 285.174 Remission.

Remission of the tax liability on cigarette papers and tubes may be extended to the manufacturer liable for the tax where cigarette papers and tubes, before removal or after removal for tax-exempt purposes (including transfers in bond), are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer. Where cigarette papers and tubes are so lost or destroyed, the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located, and shall prepare a claim on Form 2635, in triplicate, setting forth the nature, date, place, and extent of the loss or destruction. All copies of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.175 [Amendment]

21. Section 285.175 is amended by striking the words "or importer".

§ 285.181 [Amendment]

22. Section 285.181 is amended by striking from the first sentence the words "or importer".

23. Section 285.191 is amended to read as follows:

§ 285.191 Action by claimant.

Where cigarette papers and tubes are withdrawn from the market and the manufacturer desires to file claim under the provisions of § 285.172 or § 285.173, he shall assemble the articles in or adjacent to a factory if they are to be retained in or received into such factory, or at any suitable place if they are to be destroyed. The manufacturer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the articles are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

24. Section 285.192 is amended to read as follows:

§ 285.192 Action by assistant regional commissioner.

Upon receipt of a schedule of cigarette papers and tubes withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the cigarette papers and tubes, or he may authorize the manufacturer to dispose of the articles without supervision by so stating on the original and one copy of the schedule returned to the manufacturer.

(72 Stat. 1419; 26 U.S.C. 5705)

25. Section 285.193 is amended to read as follows:

§ 285.193 Disposition of cigarette papers and tubes and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer has disposed of the articles, he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635. In connection with a claim for refund, the manufacturer shall attach the original of the schedule to his claim, Form 843, filed under § 285.173. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which

the manufacturer shall attach to his claim, Form 843, filed under § 285.173.

(72 Stat. 1419; 26 U.S.C. 5705)

[F.R. Doc. 61-5255; Filed, June 6, 1961; 8:50 a.m.]

[26 CFR Part 296]

MISCELLANEOUS REGULATIONS RELATING TO TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

The purposes of this Treasury decision are to make conforming amendments in Subparts A, B, and C of 26 CFR Part 296, and to revise and incorporate in 26 CFR Part 296 the provisions, formerly contained in 26 CFR Parts 270 and 275, relating to dealers in tobacco products.

§ 296.11 [Amendment]

1. Section 296.11 of Subpart A is amended by striking, in the first sentence, the words "Form 356—Revised" and inserting, in lieu thereof, the words "Circular No. 570, as revised".

§ 296.51 [Amendment]

2. Section 296.51 of Subpart B is amended, in the definition of the United States, by striking ", the Territories of Alaska and Hawaii,".

§ 296.72 [Amendment]

3. Section 296.72 of Subpart C is amended, in the definition of the United States, by striking ", the Territory of Hawaii,".

4. A new Subpart G is added to read as follows:

Subpart G—Dealers in Tobacco Products

Preamble. The regulations in this subpart shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of the regulations in this subpart.

Sec.

- 296.161 Scope of subpart.
- 296.162 Territorial extent.
- 296.163 Meaning of terms.
- 296.164 Authority of internal revenue officers to enter premises.
- 296.165 Interference with administration.
- 296.166 Dealing in tobacco products.
- 296.167 Liability to tax.
- 296.168 Liability to penalties and forfeitures.

AUTHORITY: §§ 296.161 to 296.168 are issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

§ 296.161 Scope of subpart.

The regulations in this subpart relate to the purchase, receipt, possession, offering for sale, or sale or other disposition of tobacco products by dealers in such products.

§ 296.162 Territorial extent.

The provisions of the regulations in this subpart shall apply in the several States of the United States and the District of Columbia.

§ 296.163 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Dealer. Any person who sells, or offers for sale, at wholesale or retail levels, any tobacco products after removal.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this subpart.

I.R.C. The Internal Revenue Code of 1954, as amended.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a

farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products are put up by the manufacturer or the importer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Removal or remove. The removal of tobacco products from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

U.S.C. The United States Code.

§ 296.164 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products are kept or stored, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense. Operators of vending machines shall make the tobacco products in their machines available for inspection upon the request of any internal revenue officer.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 296.165 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this subpart, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 296.166 Dealing in tobacco products.

All tobacco products purchased, received, possessed, offered for sale, sold or otherwise disposed of, by any dealer must be in proper packages which bear the mark and notice as prescribed in Parts 270 and 275 of this chapter. Tobacco products may be sold, or offered for sale, at retail from such packages, provided the products remain in the packages until removed by the customer or in the

presence of the customer. Where a vending machine is used, tobacco products must similarly be vended in proper packages or directly from such packages.

(72 Stat. 1424; 26 U.S.C. 5751)

§ 296.167 Liability to tax.

Any dealer who, with intent to defraud the United States, possesses tobacco products (1) upon which the tax has not been paid or determined in the manner and at the time prescribed in Parts 270 and 275 of this chapter or (2) which, after removal without payment of tax pursuant to section 5704, I.R.C., and regulations issued thereunder, have been diverted from the applicable purpose or use specified in that section or (3) which are not put up in packages prescribed in Parts 270 and 275 of this chapter or are put up in packages not bearing the marks, labels, and notices prescribed in such regulations shall be liable for a tax equal to the tax on such products.

(72 Stat. 1424; 26 U.S.C. 5751)

§ 296.168 Liability to penalties and forfeitures.

Any dealer who fails to comply with the provisions of this subpart becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, and 5763)

[F.R. Doc. 61-5256; Filed, June 6, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 27, 28]

MIXED PACKED COTTON

Definition

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is considering amendments of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A) and the Regulations under the United States Cotton Standards Act (7 CFR, Part 28, Subpart A), pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61).

The purpose of the proposed amendments is to provide a simplified and more meaningful definition of mixed packed cotton for use in the classification of cotton.

Under the proposed amendments, paragraph (g) of § 27.38 of the regulations for Cotton Classification under Cotton Futures Legislation and paragraph (g) of § 28.40 of the Regulations under the United States Cotton Standards Act would both be amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the sample taken therefrom, shows (1) a difference of three or more grades, or (2) a difference of three

or more color groups, or (3) a difference in length of staple of one-eighth inch or more. For purposes of this paragraph, White Cotton (including the Plus grades), Light Gray Cotton, and Gray Cotton shall constitute one color group, and Light Spotted Cotton, Spotted Cotton, Tinged Cotton, and Yellow Stained Cotton shall each constitute a color group.

It is proposed that the amendments would become effective about July 1, 1961.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, Washington 25, D.C., not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of June 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-5240; Filed, June 6, 1961;
8:47 a.m.]

Commodity Stabilization Service

[7 CFR Parts 904, 927, 961, 990, 996,
1027, 902, 999, 1010, 1019]

[Docket Nos. AO-14-A 31, AO-71-A 41, AO-160-A 23, AO-302-A 5, AO-302-A 13, AO-312-A 2, AO-293-A 4, AO-204-A 13, AO-276-A 3, AO-305-A 5]

**MILK IN GREATER BOSTON, MASS.;
NEW YORK-NEW JERSEY; PHILA-
DELPHIA, PA.; SOUTHEASTERN
NEW ENGLAND; SPRINGFIELD,
MASS.; UPPER CHESAPEAKE BAY;
WASHINGTON, D.C.; WORCESTER,
MASS.; WILMINGTON, DEL., AND
CONNECTICUT MARKETING AREAS**

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Belmont Plaza Hotel, Lexington Avenue at 49th and 50th Streets, New York City, beginning at 10:00 a.m., e.d.s.t., on June 19, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Massachusetts; New York-New Jersey; Philadelphia, Pennsylvania; Southeastern New England; Springfield, Massachusetts; Upper Chesapeake Bay; Washington, D.C.; Worcester, Massachusetts; Wilmington, Delaware; and Connecticut marketing areas.

This public hearing is for the purpose of receiving evidence relative to the pricing of Class III milk under the New York-New Jersey order and the pricing of Class II milk in each of the Federal milk orders for the Boston, Springfield,

Worcester, Southeastern New England, Connecticut, Philadelphia, Wilmington, Upper Chesapeake Bay, and Washington, D.C., marketing areas, particularly as to the need for amendments resulting in the establishment of minimum prices for such classes in the specified markets which are appropriately related (1) to each other, and (2) to the value of milk in the Midwest for manufacturing uses; and for the further purposes of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter described, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals to amend the Class III price formula in the New York-New Jersey marketing order and the respective Class II formulas in the Greater Boston, Massachusetts; Springfield, Massachusetts; Southeastern New England; Connecticut; Upper Chesapeake Bay; Washington, D.C.; Worcester, Massachusetts; Philadelphia, Pennsylvania; and Wilmington, Delaware marketing orders.

Proposed by Eastern Milk Producers Cooperative Association, Inc., East Syracuse, New York:

Proposal No. 1. A. Substitute for the present formula prices in each order, respectively, the prices for 3.5 percent milk as contained in the "Minnesota-Wisconsin Manufactured Grade Milk-Price Series" as developed by Statistical Reporting Service, Crop Reporting Board, United States Department of Agriculture.

B. Provide appropriate differentials to:

(i) Properly align prices among the various Northeastern markets.

(ii) Reflect the competitive level of prices in the various locations throughout the foregoing Northeastern markets in relation to the manufacturing areas of the Midwest.

C. Reflect comparative values with respect to different uses made of the milk in each of such markets.

D. Provide other amendments as necessary to effectuate the use of the "Minnesota-Wisconsin" price quotations as the basis of pricing Class III milk under the New York-New Jersey marketing order and Class II milk under the other nine orders of the Northeast.

Proposed by Dairymen's League Cooperative Association, Inc., New York, New York:

Proposal No. 2. A. Amend all ten Northeastern Federal milk marketing orders, and applicable complementary State orders, to provide a basic manufacturing milk class price, the level of which to be determined on the evidence at the hearing—and to include the following:

(i) A pricing formula containing separate fat and skim values.

(ii) A butter-cheese differential to be applicable in all months except as provided in B.

B. A seasonal differential, similar to that presently provided for in the New York-New Jersey Class III price formula,

to be appropriately applied to fat and skim values in those months when manufacturing milk supplies are less than a fixed percentage of total pool supplies of all the orders, and during such months if in the period of August through November, the butter-cheese differential shall not be applicable.

Proposal No. 3. Amend all the Northeastern Federal milk marketing orders, and applicable complementary State orders to:

A. Provide separate pricing for "excess" surplus milk marketed under the following conditions:

(i) That any handler has refused to receive and account for at the minimum prices under the order;

(ii) That has been marketed by or for the account of an incorporated marketing agency formed, controlled and operated by cooperatives, either qualified for cooperative payments under the New York-New Jersey order or qualified for marketing services under one of the other orders; and

(iii) That is marketed for such agency under the Government price support program for dairy products (Agricultural Adjustment Act of 1949, Title 2, Section 201(c)).

B. The price for this milk, so marketed, to be computed at the net price received by the agency after the deduction of its expenses.

Proposed by Mutual Federation of Independent Cooperatives, Inc., Syracuse, New York:

Proposal No. 4. Amend the Class II price formulas in the Boston (904), Worcester (999), Southeastern New England (990), Connecticut (1019), Philadelphia (961), Wilmington (1010), Upper Chesapeake Bay (1027) and Washington (902) Federal milk orders to conform with the Class III price formula in the New York-New Jersey (927) order, except that a plus differential of not less than \$.10 be provided for Philadelphia, Wilmington, Upper Chesapeake Bay and Washington.

Amend the Class III price formula in Order 27 to increase the price by such amount as research studies and other evidence in the record of the hearing may reasonably justify: *Provided*, That the order contain a surplus coordination plan.

Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency, Syracuse, New York:

Proposal No. 5. Amend Order 27 and the companion State orders and the other Northeastern Federal orders and State market pool orders to:

A. Provide separate pricing for "excess" surplus milk marketed under the following conditions:

(i) That any handler has refused to receive and account for at the minimum prices under the order;

(ii) That has been marketed by or for the account of an incorporated marketing agency formed, controlled and operated by cooperatives, either qualified for cooperative payments under the New York-New Jersey order or qualified for marketing services under one of the other orders; and

(iii) That is marketed for such agency under the Government price support program for dairy products (Agricultural Adjustment Act of 1949, Title 2, section 201(c)).

B. The price for this milk, so marketed, to be computed at the net price received by the agency after the deduction of its expenses.

Proposal No. 6. Coordinate the manufacturing milk prices and transportation differentials in all Northeastern Federal orders.

Proposed by Bellows Falls Co-op Creamery, Inc., et al. (New England):

Proposal No. 7. Relate the Class III price under the New York-New Jersey milk order, and the Class II price under each of the Federal milk orders for the Boston, Springfield, Worcester, Southeastern New England, Connecticut, Philadelphia, Wilmington, Upper Chesapeake Bay, and Washington, D.C. marketing areas, to the U.S. average manufacturing milk price, or some other measure of competitive prices paid for manufacturing milk, so as to result in uniformity of surplus milk prices on a month-to-month basis.

Proposal No. 8. As a possible alternative to the above proposal, the following is submitted:

A. Limit the amounts, before seasonal adjustments, by which New England surplus prices may vary from those established under the New York-New Jersey order.

B. Consider possible revisions in the schedule of seasonal adjustments used in determining New England Class II prices.

Proposed by Wisconsin Council of Agriculture Co-operative, Madison, Wisconsin and Pure Milk Products Co-operative, Fond du Lac, Wisconsin:

Proposal No. 9. The Class II price in the following Federal orders: Boston, Springfield, Worcester, Southeastern New England, Connecticut, Philadelphia, Wilmington, Upper Chesapeake and Washington, D.C., and the Class III price in New York-New Jersey shall be the 3.5 percent average price paid by manufacturing plants in Minnesota and Wisconsin from milk made into manufactured dairy products as reported by the U.S. Department of Agriculture, with appropriate differentials. In no case shall it be less than the average Class IV price in Chicago Order 41.

Proposed by Butternut Brook Farm, Litchfield, Connecticut:

Proposal No. 10. A. Establish a single surplus price.

B. Raise Class III prices in the New York-New Jersey order to a level at which they no longer serve as an inducement to disorderly conditions in surrounding markets.

Proposals to amend the Class III price formula under the New York-New Jersey Milk Marketing Order:

Proposed by the Page Milk Company, Merrill, Wisconsin:

Proposal No. 11. A. The provisions of Order No. 27 establishing the price for Class III milk be deleted and that new language be provided to base the Class III price on the following alternate pro-

visions per hundredweight of 3.5 percent butterfat milk.

(i) The United States average manufacturing milk price f.o.b. plant adjusted to 3.5 percent butterfat basis by dividing by test and multiplying by 3.5. To this price add 10 cents per hundredweight which shall be the price per hundredweight of 3.5 percent butterfat milk.

(ii) Provide new language to establish the following alternates to be substituted for (A) (i) above when appropriate use is made of the milk and the alternate price will provide a higher milk price:

(a) When milk is used in the production of evaporated milk, the Midwest, or Chicago, condensery price as announced on a 3.5 percent basis plus 10 cents is to be used as alternate for (A) (i);

(b) When milk is to be used in the production of butter and nonfat milk solids or other usage involving nonfat milk solids, suitable language should be provided to incorporate the following formula: Multiply by 4.24 the simple averages computed by the market administrator, of the daily wholesale selling prices of Grade AA bulk creamery butter per pound at Chicago. Add to the figure secured 8.2 times whichever of the following are the higher—*a.* the weighted average of carlot prices per pound for spray process nonfat dry milk solids f.o.b. manufacturing plants in the Chicago area, or *b.* the USDA support purchase price for carlots of the same product. From the sum of the above calculation, deduct the amount of 60 cents per hundredweight. The resulting figure is the price applicable per hundredweight of 3.5 percent butterfat milk; so used and to be alternated with (A) (i);

(c) For milk used in the manufacture of cheese, provide language making effective as an alternate price, the average price paid nationally for milk used in the production of American cheese, divided by test and multiplied by 3.5.

(d) Make such other changes as may be necessary to put the above into effect.

Proposed by Land O'Lakes Creameries, Inc., Minneapolis, 13, Minnesota:

Proposal No. 12. That the figure "80" in the third line in the introductory paragraph of § 927.40(e) be changed to a lower figure, the exact amount of which shall be developed from evidence to be adduced at the hearing.

Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., Syracuse, New York:

Proposal No. 13. As a possible alternative to proposal No. 5 the following is submitted:

A. (i) Adjust the weighted average of the spray process and roller process nonfat dry milk solids, as provided in § 927.40(e) (2), to a weight of "80" for spray process prices and "20" for roller process prices.

(ii) Change the powder yield factor of "7.8", as provided in § 927.40(e) (2), to "8.2".

B. Provide for a butter-cheese adjustment, as in § 927.43, for the months of August through November, in each of these months when Class III utilization exceeds 35 percent of total pool receipts.

C. Amend the butter-cheese adjustment to result in higher returns for milk used in cheddar cheese to the extent the testimony in the United States Department of Agriculture study, "Class III Milk in the New York Milkshed", or any other testimony, supports such action.

D. Establish plus differentials above the Class III price to the extent the testimony in the United States Department of Agriculture study, "Class III Milk in the New York Milkshed", or any other testimony, supports such action, for the following products:

(i) Milk for Candy.

(ii) Milk for Cottage Cheese.

(iii) Milk for Mozzarella Cheese.

Proposed by Mutual Federation of Independent Cooperatives, Inc., Syracuse, New York:

Proposal No. 14. Amend Order 27 and the companion State orders to:

A. Provide separate pricing for "excess" surplus milk marketed under the following conditions:

(i) That any handler has refused to receive and account for at the minimum prices under the order;

(ii) That has been marketed by or for the account of an incorporated marketing agency formed, controlled and operated by cooperatives qualified for cooperative payments under the New York-New Jersey order; and

(iii) That is marketed for such agency under the Government price support program for dairy products (Agricultural Adjustment Act of 1949, Title 2, section 201(c)).

B. The price for this milk, so marketed, to be computed at the net price received by the agency after the deduction of its expenses.

Proposed by Midland Cooperative Dairy Association, Shawano, Wisconsin:

Proposal No. 15. A. The price for all milk used in American type cheese to be based on the monthly average Green Bay Exchange market price for cheese, or, in the alternative, adopt the pay price for manufacturing milk used in the production of cheese in Wisconsin.

B. The price for all milk used in the manufacture of butter and nonfat dry milk should bring at least a price based on the government support price for milk.

C. The price for all milk used in evaporated milk should be based on the monthly average Midwest condensery price, plus a minimum of 10 cents.

Proposed by Fiorlat Dairy Products Corporation and Pollio Dairy Products Corporation, Brooklyn, N.Y.:

Proposal No. 16. A. Amend § 927.40(e) to provide separate prices for milk utilized in the manufacture of butter and cheddar-type cheese in the following manner:

(i) Eliminate the seasonal adjustments which are part of the present Class III formula as they apply to the price of milk utilized in the manufacture of butter and cheddar-type cheese;

(ii) Milk used in the manufacture of butter to be based directly on butter market value as to butterfat and according to present Class III price formula as to the value of skim milk; and

(iii) For milk used in cheddar-type cheese the price shall be computed by subtracting \$.0175 from the average of the weekly quotations for Cheddar Cheese flats at the Green Bay Wisconsin Cheese Exchange and multiplying the result by 9; except that during the months of April, May and June the aforesaid deduction shall be \$.0275.

Proposals to amend the Class II price formulas under the five New England milk marketing orders:

Proposed by Milk Dealers Association of Metropolitan New York, Inc.:

Proposal No. 17. The Boston, Massachusetts; Springfield, Massachusetts; Southeastern New England; Worcester, Massachusetts; and Connecticut Class II prices adjusted to a 3.5 percent butterfat basis in the 21st zone, shall be the same as the New York Class III price in the 201-225 mile zone.

Proposals to amend the Class II price formulas under the Washington, D.C., and Upper Chesapeake Bay milk marketing orders:

Proposed by Milk Dealers Association of Metropolitan New York, Inc.:

Proposal No. 18. The Washington and Upper Chesapeake Bay Class II prices shall be the same as the New York Class III price in the 201-225 mile zone.

Proposals to amend the Class II price formulas under the Philadelphia, Pennsylvania, and Wilmington, Delaware, milk marketing orders:

Proposed by Milk Dealers Association of Metropolitan New York, Inc.:

Proposal No. 19. The Philadelphia, Pennsylvania and Wilmington, Delaware Class II prices adjusted to a 3.5 percent butterfat basis in the 70.1-140 mile zone shall be the same as the New York Class III price in the 151-175 mile zone.

Proposed by Inter-State Milk Producers' Cooperative, Inc., Philadelphia 8, Pennsylvania:

Proposal No. 20. A. Consider the addition of a sub-class (minus) differential on certain products (such as butter, cheese, etc.), to the Class II price formulas under Orders 61 and 110.

B. Consider the use of a weighted average (by volume of 40 percent equivalent) cream price in lieu of the present method of determining butterfat values for cream under Orders 61 and 110.

Proposed by the Milk Marketing Orders Division, Commodity Stabilization Service:

Proposal No. 21. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereof that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from any of the market administrators in the respective markets, as follows; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected;

Boston—Richard D. Alpin, Market Administrator, 230 Congress Street, Boston 10, Mass.

New York-New Jersey—C. J. Blanford, Market Administrator, 205 East 42d Street, New York 17, N.Y.

Philadelphia-Wilmington—L. S. Iverson, Market Administrator, 1528 Walnut Street, Philadelphia 2, Pa.

Southeastern-New England—Robert W. Cherry, Market Administrator, 57 Eddy Street, Providence, R.I.

Springfield—Richard D. Aplin, Market Administrator, 145 State Street, Room 408, Springfield 3, Mass.

Worcester—Richard D. Aplin, Market Administrator, 107 Front Street, Room 403, Worcester, Mass.

Connecticut—D. O. Hammerberg, Market Administrator, 1049 Asylum Avenue, Hartford, Conn.

Washington, D.C.—Edward L. St. Clair, Market Administrator, 1801 North Moore Street, Arlington 9, Va.

Upper Chesapeake Bay—E. Hickman Greene, Market Administrator, 5716 York Road, Baltimore 12, Md.

Issued at Washington, D.C., June 2, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price
Support, Commodity Stabilization Service.

[F.R. Doc. 61-5264; Filed, June 6, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

PROCEEDINGS FOR REACTOR LICENSES AND WASTE DISPOSAL LICENSES

Notice to Local Officials

In a report on its regulatory program, which the Atomic Energy Commission submitted to the Joint Committee on Atomic Energy in February 1961, the Commission expressed its intention to provide formal notice of reactor licensing proceedings and proceedings for commercial waste disposal licenses to officials of localities in which such facilities are to be constructed or operated or such activities conducted. A study by the staff of the Joint Committee entitled "Improving the AEC Regulatory Process," issued in March 1961, recommended such a course in reactor licensing proceedings subject to formal hearings.

The Commission has recently instituted the practice of giving such notice to the chief executive of the municipality or county. The proposed amendments would require an applicant for a reactor construction permit or operating license, an authorization for power demonstration reactor subject to 10 CFR Part 115, or a waste disposal license, and would require persons filing an amendment to any such application, to serve a copy of the application or amendment on the chief executive of the municipality or county in which the facility is to be located or the activity conducted.

It is the practice of the Commission to give notice of any such application and a notice of hearing on any such application to the Governor of the State or his designated representative. The proposed amendments provide for con-

tinuation of this practice and also for the giving of notices of hearing in such cases to local officials. Under the provisions of § 2.703 of the Commission's rules of practice, 10 CFR Part 2, papers requiring service must be served upon all those entitled to service, and proof of service must accompany such papers when they are tendered to the Commission for filing.

Notice is hereby given that the Commission is considering the adoption of the following regulations. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed regulations should send them to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 2.101 is amended by redesignating the present text of that section as paragraph (b), revising the heading of that section, and adding a new paragraph (a) to read as follows:

§ 2.101 Notice of application, administrative examination of applications, informal conferences.

(a) A copy of an application or amendment to an application for a facility construction permit or license or an authorization subject to Part 115, or for a license to receive waste material from other persons for the purpose of packaging, storage or disposal, shall be served by the applicant on the chief executive of the municipality in which the facility is to be located or the activity is to be conducted, or, if the facility is not to be located or the activity conducted within a municipality, then on the chief executive of the county. The AEC will send a copy of each such application or amendment to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted.

§ 2.735 [Amendment]

2. Paragraph (a) of § 2.735 is amended to read as follows:

(a) Whenever a hearing is granted, AEC will give timely notice of the hearing to all parties and to other persons, if any, entitled to notice. Notice of hearing on an application or amendment to an application for a facility construction permit or license or an authorization subject to Part 115, or for a license to receive waste material from other persons for the purpose of packaging, storage or disposal, will be given to the Governor or other appropriate official of the State and the chief executive of the municipality in which the facility is to be located or the activity is to be conducted, or, if the facility is not to be located or the activity conducted within a municipality, then on the chief executive of the county. Every notice of hearing will state the time, place, and nature of the hearing; the legal authority and

PROPOSED RULE MAKING

jurisdiction under which the hearing is to be held; the matters of fact and law asserted or to be considered, which will be identified as the "Specification of Issues"; and a request for an answer. The time and place for hearing will be fixed with due regard for the convenience and necessity of the parties or their representatives.

Dated at Germantown, Md., this 29th day of May 1961.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 61-5221; Filed, June 6, 1961;
8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCKYARDS CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 17, 1959 (18 A.D. 1401), authorizing the respondent, St. Paul Union Stockyards Company, to assess the current temporary schedule of rates and charges to and including June 30, 1961, unless modified or extended by further order before the latter date.

On January 20, 1958, a petition was filed on behalf of the respondent requesting substantial modifications in the schedule of rates and charges. Notice of the petition was published in the FEDERAL REGISTER on February 5, 1953 (23 F.R. 764). Certain objections to the petition were filed with the Hearing Clerk and a formal administrative proceeding was initiated with respect to the petition. Such proceeding has not been concluded. Pursuant to a petition by the respondent for interim relief and without objection by interested parties, an order was issued on December 17, 1959, authorizing the respondent to assess the current temporary schedule of rates and charges to and including June 30, 1961.

On May 31, 1961, a petition was filed on behalf of the respondent requesting further interim relief because of increases in operating expenses subsequent to the issuance of the order of December 17, 1959, and because of estimated changes in the volume of livestock receipts. The respondent requested authority to modify the current temporary schedule as indicated below effective July 1, 1961, and further requested that such schedule as so modified remain in effect to and including December 31, 1962, unless extended or modified by further order before the latter date.

ITEM 1—YARDAGE

	Per head	
	Present	Proposed
Cattle (except bulls 700 pounds or over).....	\$1.15	\$1.19
Bulls (700 pounds or over).....	1.70	1.75
Calves (400 pounds or under).....	.62	.64
Hogs.....	.38	.39
Sheep.....	.21	.22
Horses and mules.....	1.15	1.19
Colts.....	.62	.64

ITEM 2—RESALES OR REWEIGHS

	Column 1—Per head	
	Present	Proposed
Cattle (except bulls 700 pounds or over).....	\$1.15	\$1.19
Bulls (700 pounds or over).....	1.70	1.75
Calves (400 pounds or under).....	.62	.64
Hogs.....	.38	.39
Sheep.....	.21	.22

¹Column 1—On resales in the commission division.

ITEM 3—DIRECT DELIVERY

	Per head	
	Present	Proposed
Cattle (except bulls 700 pounds or over).....	\$0.58	\$0.60
Bulls (700 pounds or over).....	.85	.88
Calves (400 pounds or under).....	.31	.32
Hogs.....	.19	.20

ITEM 4—C—TRANSIT

	Per head	
	Present	Proposed
Cattle (except bulls 700 pounds or over).....	\$0.58	\$0.60
Bulls (700 pounds or over).....	.85	.88
Hogs.....	.18	.20

ITEM 11—C—CLEANING AND DISINFECTING

	Charges	
	Present	Proposed
Use of facilities for cleaning:		
Straight trucks.....	\$0.35	\$0.50
Trailer type trucks.....	.60	.85

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 2d day of June 1961.

HOWARD J. DOGGETT,
Director, Packers and Stock-
yards Division, Agricultural
Marketing Service.

[F.R. Doc. 61-5311; Filed, June 6, 1961;
8:53 a.m.]

Office of the Secretary

MISSOURI

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Missouri a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Butler. Pemiscot.
Dunklin. Scott.
Mississippi. Stoddard.
New Madrid.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-5265; Filed, June 6, 1961;
8:51 a.m.]

CALIFORNIA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of California a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Amador. Sacramento.
Fresno. San Joaquin.
Madera. Stanislaus.
Merced. Tulare.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-5266; Filed, June 6, 1961;
8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

NEWELL TOWNSITE, BELLE FOURCHE PROJECT, SOUTH DAKOTA

Sale of Lots

1. *Statutory authority.* Certain lots in the townsite of Newell, South Dakota, identified in the Schedule of Appraisal shown below, will be disposed of in accordance with the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519), and June 11, 1910 (36 Stat. 465).

2. *Description, area, and appraised value.* The descriptions, areas, and appraised values of the lots to be sold are shown in the Schedule of Appraisal below.

3. *Public sale.* On June 14, 1961, at 1:30 p.m., at the City Hall, Newell, South Dakota, said lots will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States rights-of-way and minerals to the same extent as patents issued under the homestead laws. Martin H. Oleson, Jr., Chief, Irrigation Division, Missouri-Oahe Projects Office, Bureau of Reclamation, Huron, South Dakota, has been designated as superintendent of sale and as auctioneer.

4. *Terms of sale.* Full payment for the lots must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn, and postpone the sale of any lot to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot remaining unsold will be subject to private sale by the Manager, Land Office, Bureau of Land Management, Billings, Montana, excepting that the Commissioner, Bureau of Reclamation, or his delegated representative, may cancel this sale order at any time with the concurrence of the State Supervisor, Bureau of Land Management.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

SCHEDULE OF APPRAISAL Sec. 30, T. 9 N., R. 6 E., B.H.M.

Block	Lot	Area (each lot)	Appraised value (each lot)
6-----	1, 2, 3, 4, 5, 6	50 x 130	\$25.00
	7, 8, 9, 16	50 x 140	50.00
7-----	1, 2, 3	50 x 130	50.00
	4, 5, 6	50 x 130	75.00
	12, 13, 14, 15, 16	50 x 140	75.00

Approved: May 2, 1961.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. 61-5238; Filed, June 6, 1961;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-4]

NAVAL RESEARCH LABORATORY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to Facility License No. R-5 set forth below, which authorizes the Naval Research Laboratory to operate its pool-type reactor located in Washington, D.C., at power levels up to 1000 kilowatts (thermal). The amendment is substantially as published in the FEDERAL REGISTER on September 9, 1960, 25 F.R. 8727 except that the condition concerning permissible excess reactivity has been amended to permit an increase in available excess reactivity to enable achievement of the maximum authorized power level, and conditions have been added regarding: (1) Use of a hold-down mechanism to prevent the inadvertent lifting of fuel elements through movement of control rods, (2) procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (3) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

The Commission has, as requested by the licensee, reviewed the matter of the excess reactivity limitation described in the proposed amendment and has agreed that it is too restrictive since it would not permit the achievement of the authorized power level of 1000 kilowatts. The Commission also has concluded that the restated excess reactivity limitation contained in Amendment No. 3 to License No. R-5 does not result in any change in the hazards to the public health and safety previously evaluated and considered acceptable in the Commission's hazards analysis dated September 1, 1960, relating to the proposed issuance of the license amendment. With respect to item (2) above, the Commission during January 1961, requested that each utilization facility li-

censee provide a description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed this submittal by the Naval Research Laboratory for its reactor and believes that there is little likelihood of an inadvertent criticality under the conditions described. In the interest of greater safety and to further minimize the possibility of an accident, however, an additional condition has been imposed by Amendment No. 3 to License No. R-5 to require that nuclear instrumentation shall be in operation at all times during operations with the reactor shut down which could involve a change in core reactivity.

In view of the changes in the amendment from that which was published on September 9, 1960, the Commission will, in accordance with its rules of practice (10 CFR Part 2), direct the holding of a formal hearing on the matter of the issuance of Amendment No. 3 to License No. R-5 upon receipt of a request therefor from the licensee or an intervenor within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see Docket No. 50-4 on file at the AEC's Public Document Room.

Dated at Germantown, Md., this 31st day of May 1961.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of
Licensing and Regulation.*

[License No. R-5; Amdt. 3]

License No. R-5, as amended, including Amendments No. 1 and 2 thereto, is revised in its entirety to read as follows:

1. This license applies to the pool-type reactor (hereinafter referred to as "the reactor") which is owned by Naval Research Laboratory and located in Washington, D.C., and described in Naval Research Laboratory's application dated April 5, 1955, and amendments thereto dated December 28, 1955, January 18, 1956, July 6, 1956, May 1, 1957, August 21, 1958, April 30, 1959, August 6, 1959, September 8, 1959, June 9, 1960 and February 7, 1961 (herein collectively referred to as "the application").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in accordance with the provisions of Construction Permit dated April 29, 1955 (later designated CPRR-3), and Construction Permit No. CPRR-47, (which authorized certain modifications to the reactor) issued to Naval Research Laboratory, and will operate in conformity with the application as amended and in conformity with the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. Naval Research Laboratory is technically and financially qualified to operate the reactor and to possess and use special nuclear material;

D. Issuance of a license to possess and operate the reactor will not be inimical to the common defense and security or to the health and safety of the public;

E. Naval Research Laboratory is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Naval Research Laboratory:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Washington, D.C. in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use 14.2 kilograms of contained uranium 235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced from operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect, and to the additional conditions specified below:

A. The reactor may be operated

(1) At power levels up to 1,000 kilowatts (thermal) on an intermittent basis, provided the pool temperature is not allowed to exceed 130° F., and

(2) At power levels up to 1,000 kilowatts (thermal) with forced-convection cooling on an unlimited time basis.

B. Naval Research Laboratory shall not conduct any experiments whose reactivity worth is greater than 1.5 percent without prior written approval of the Commission.

C. Naval Research Laboratory shall not by-pass any control mechanism during the operation of the reactor.

D. The reactor shall be operated in such a manner that the positive rate of change of reactor power level will not result in a positive reactor period of less than 10 seconds.

E. The reactor shall not be operated with an excess reactivity value exceeding 5.0 percent above cold clean critical for any experimental loading. Reactivity losses associated with xenon and samarium, increasing reactor temperature, and fuel burn-up following adjustment of core loading must be included in this excess reactivity limitation.

F. The reactivity of all configurations of the core loadings to be utilized in operating the reactor must be determined using clean fuel elements.

G. The reactor core shall not be moved from one position to another unless the core loading is less than 2 kilograms of U-235 and all control and safety rods are fully within the core.

H. When the reactor is shut down and operations are performed which could involve a change in core reactivity, Naval Research Laboratory shall at all times:

(1) Follow the procedures set forth in the sections "Answers to Question 8A" through "Answers to 8F" inclusive, in its submission to the Commission dated January 30, 1961; and

(2) Maintain core nuclear control instrumentation in operation and assure that such instrumentation is attended and observed.

I. In addition to those otherwise required under this license and applicable regulations, Naval Research Laboratory shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Naval Research Laboratory as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

J. Naval Research Laboratory shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

K. Naval Research Laboratory shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Naval Research Laboratory for use in the operation of the reactor, 14.2 kilograms of uranium 235 contained in uranium in the isotopic ratio specified in the application. Estimated schedules of special nuclear material transfers to Naval Research Laboratory and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Naval Research Laboratory in accordance with column (2) in Appendix "A" will be conditioned upon Naval Research Laboratory's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

6. This license is effective as of the date of issuance and shall expire at midnight April 29, 1975.

Date of issuance: May 31, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

APPENDIX "A" TO NAVAL RESEARCH LABORATORY FACILITY LICENSE No. R-5

Estimated schedules of transfers of special nuclear material from the Commission to Naval Research Laboratory and to the Commission from Naval Research Laboratory

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NRL (a), kilograms U-235	(3) Returns by NRL to AEC (b), kilograms U-235	(4) Net yearly distribution, kilograms U-235	(5) Cumulative distribution, kilograms U-235
1956.....	5.000	-----	5.000	5.000
1957.....	-----	-----	-----	5.000
1958.....	4.033	-----	4.033	9.033
1959.....	0.035	-----	0.035	9.068
1960.....	3.535	3.220	0.315	9.383
1961.....	3.535	3.220	0.315	9.698
1962.....	3.535	3.220	0.315	10.013
1963.....	3.535	3.220	0.315	10.328
1964.....	3.535	3.220	0.315	10.643
1965.....	3.535	3.220	0.315	10.958
1966.....	3.535	3.220	0.315	11.273
1967.....	3.535	3.220	0.315	11.588
1968.....	3.535	3.220	0.315	11.903
1969.....	3.535	3.220	0.315	12.218
1970.....	3.535	3.220	0.315	12.533
1971.....	3.535	3.220	0.315	12.848
1972.....	3.535	3.220	0.315	13.163
1973.....	3.535	3.220	0.315	13.478
1974.....	3.535	3.220	0.315	13.793
1975.....	3.535	3.220	0.315	14.108
		18.440	(8.440)	25.668
Total.....	65.628	59.960	25.668	-----

¹ Inventory to be returned.

² Fabrication and burnup losses.

(a) 1958-1975 yearly, includes 0.025 kilograms of U-235 as depleted uranium. Does not include any fabrication excess.

(b) U-235 for detectors and flux measurements assumed to be totally consumed.

[F.R. Doc. 61-5250; Filed, June 6, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8261 etc.; FCC 61M-940]

CORNBELT BROADCASTING CO.
(WHOW) ET AL.

Order Continuing Hearing

In re applications of Cornbelt Broadcasting Company (WHOW), Clinton, Illinois, et al., Docket Nos. 8261, 14020, 14021, 14023; File No. BMP-2562; for construction permits.

The Hearing Examiner having under consideration agreement of parties par-

ticipating at prehearing conference on May 19, 1961, regarding date for hearing; *It is ordered*, This 29th day of May 1961, that the hearing now scheduled for June 5, 1961 is continued to June 29, 1961, at 10:00 a.m.

Released: May 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5268; Filed, June 6, 1961; 8:51 a.m.]

[Docket No. 13016 etc.; FCC 61M-944]

IVY BROADCASTING CO., INC.
(WOLF) ET AL.

Notice of Further Prehearing Conference

In re applications of Ivy Broadcasting Company, Inc. (WOLF), Syracuse, New York, et al., Docket Nos. 13016, 13019,

13022¹, 13030, 13031¹, 13033, 13042¹, 13049; File No. BP-12200; for construction permits.

There will be a further prehearing conference, under § 1.111, on Friday, June 9, 1961 at 10 a.m., in the offices of the Commission, Washington, D.C., for Group IV.

Dated: May 31, 1961.

Released: May 31, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5269; Filed, June 6, 1961;
8:51 a.m.]

[Docket No. 14118; FCC 61M-952]

HOLLY SPRINGS BROADCASTING CO.

Order After Prehearing Conference

In re application of Aaron B. Robinson, tr/as Holly Springs Broadcasting Company, Holly Springs, Mississippi, Docket No. 14118, File No. BP-13681; for construction permit.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above-styled case held May 31, 1961;

It appearing that applicant's counsel requested a continuance of the hearing until September because of other hearing commitments during the latter part of July, the alleged need of the applicant for additional time to prepare, and the Commission's August recess; that counsel for the Commission's Broadcast Bureau, the only other party to this proceeding, consented reluctantly to such a continuance; that while the Hearing Examiner's schedule favors going forward with the hearing on the presently scheduled date (July 19) he does have a heavy schedule during the month of July without considering the present case; that the parties have committed themselves to comply with certain conditions imposed by the Hearing Examiner which are designed to expedite the hearing as further basis for the grant of the relief requested; and, accordingly, that good cause for the requested continuance has been shown;

It is ordered, This 31st day of May 1961, that the hearing in the above-styled case which is now scheduled to commence on July 19, 1961, 10 a.m., at the Commission's offices, Washington, D.C., is hereby rescheduled to commence on Wednesday, September 13, 1961² at the same time and place;

It is ordered further, That applicant is to provide the Bureau and the Examiner one copy of each exhibit it proposes to offer in evidence not later than 5 p.m., August 11, 1961; that the Bureau is to advise applicant informally as to witnesses Bureau desires produced for cross-examination not later than August 22; that all agreements and understandings

¹ Group IV.

² The parties agreed that the hearing should commence on September 12 but the Examiner discovered subsequently that that date conflicts with the Jewish High Holy Days.

between the parties reached during the prehearing conference are approved by the Hearing Examiner; and that the transcript of the prehearing conference shall guide the parties on the future conduct of the hearing and is hereby incorporated by reference herein for such purpose.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5270; Filed, June 6, 1961;
8:52 a.m.]

[Docket No. 13827; FCC 61M-943]

KWK RADIO, INC.

Order Continuing Hearing

In the matter of revocation of license of KWK Radio, Inc., for standard broadcast Station KWK, St. Louis, Missouri, Docket No. 13827.

The Hearing Examiner having under consideration the petition for continuance of hearing filed in the above-entitled proceeding on May 26, 1961, by KWK Radio, Inc.;

It appearing that all parties have consented to immediate consideration and grant of said petition and that good cause for a grant thereof is shown in that, on the basis of the matters detailed in the petition, pleadings seeking termination of the proceeding without formal hearing are in the course of preparation;

It is ordered, This 29th day of May 1961 that the said petition is granted and the hearing herein presently scheduled to commence on June 7, 1961, is continued without date.

Released: May 31, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5271; Filed, June 6, 1961;
8:52 a.m.]

[Docket Nos. 14125-14128; FCC 61M-955]

MASSILLON BROADCASTING CO., INC., ET AL.

Order Continuing Hearing Conference

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio., Docket No. 14125, File No. BP-13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613; Dale H. Mossman, Norwood, Ohio, Docket No. 14128, File No. BP-14623; for construction permits.

Due to a conflict in the Hearing Examiner's calendar and in order to afford the parties ample time to prepare for the prehearing conference so as to minimize controversy on matters purely procedural: *It is ordered*, This 31st day of

¹ It is noted that the hearing itself is scheduled to commence September 6, 1961. The extensive lapses of time between the

May 1961, on the Hearing Examiner's own motion, that the prehearing conference in the above-entitled proceeding scheduled to be convened at 9:00 a.m., Monday, June 19, 1961, is hereby rescheduled and will be convened at 9:00 a.m., Monday, June 26, 1961, instead.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5272; Filed, June 6, 1961;
8:52 a.m.]

[Docket Nos. 14135-14137; FCC 61M-951]

MARSHALL C. AND SARAH C. PARKER ET AL.

Order Scheduling Hearing

In re applications of Marshall C. Parker, Sarah C. Parker, Beth C. Curlee and Thomas H. Carter, Sr. d/b as Marshall C. and Sarah C. Parker, Tupelo, Mississippi, Docket No. 14135, File No. BP-13669; Frank K. Spain, tr/as WTUV Radio, Tupelo, Mississippi, Docket No. 14136, File No. BP-14621; Lee H. Thompson, tr/as Pontotoc Broadcasting Company, Pontotoc, Mississippi, Docket No. 14137, File No. BP-14624; for construction permits.

It is ordered, This 31st day of May 1961, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 25, 1961, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, June 26, 1961.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5273; Filed, June 6, 1961;
8:52 a.m.]

[Docket No. 14108; FCC 61M-957]

ROBERT E. PODESTA AND MARCELLA PODESTA

Order Continuing Hearing

In re application of Robert E. Podesta and Marcella Podesta, Joint Tenants, Santa Clara, California, Docket No. 14108, File No. BPH-3278; for construction permit.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on June 1, 1961, regarding date for hearing;

date of designation for hearing (May 22, 1961) and the date set for prehearing conference and between the latter date and the hearing date should enable the parties to be fully prepared on both occasions to go forward without further delay. It is requested, therefore, that they be ready during the prehearing conference on June 26 to offer procedural stipulations designed to speed up the hearing process.

It is ordered, This 1st day of June 1961, that the hearing now scheduled for July 20, 1961, is continued to July 27, 1961, at 10:00 a.m.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5274; Filed, June 6, 1961;
8:52 a.m.]

[Docket Nos. 13941-13943; FCC 61M-939]

**SOUTH TEXAS TELECASTING CO., INC.
(KVDO-TV) ET AL.**

Order Continuing Hearing

In re applications of South Texas Telecasting Company, Inc. (KVDO-TV), Corpus Christi, Texas, Docket No. 13941, File No. BPCT-2793; for construction permit to change existing facilities. Tropical Telecasting Corporation, Corpus Christi, Texas, Docket No. 13942, File No. BPCT-2797; Nueces Telecasting Company, Corpus Christi, Texas, Docket No. 13943, File No. BPCT-2798; for construction permits for new television broadcast stations (Channel 3).

The Hearing Examiner having under consideration the informal request for change of procedural dates made at the prehearing conference held herein on May 26, 1961;

It appearing that good cause for grant of said request is shown;

It is ordered, This 26th day of May 1961 that:

(1) Date for exchange of the written sworn exhibits is continued from June 12, 1961, to June 30, 1961;

(2) Date for submission of requests for additional information is continued from June 26, 1961, to August 18, 1961;

(3) Date for commencement of formal hearing for the purpose of introduction of the direct cases in evidence is continued from July 10, 1961, to September 11, 1961;

(4) The date for giving notification of witnesses to be called for cross-examination is continued from July 24, 1961, to September 25, 1961.

Released: May 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5275; Filed, June 6, 1961;
8:52 a.m.]

[Docket Nos. 12991, 12992; FCC 61M-948]

**SUBURBAN BROADCASTING CO.,
INC., AND CAMDEN BROADCAST-
ING CO.**

Order Continuing Hearing Conference

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-

2624; for construction permits for new FM broadcast stations.

Upon oral request of counsel for Suburban Broadcasting Company, Inc. and with the consent of all parties in the above-entitled proceeding, *It is ordered*, This 31st day of May 1961, that the further prehearing conference presently scheduled for June 1, 1961, at 9:30 a.m., be, and the same is, hereby continued to June 12, 1961, at 9:30 a.m.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5276; Filed, June 6, 1961;
8:52 a.m.]

[Docket No. 14134; FCC 61M-949]

**TORRINGTON BROADCASTING CO.,
INC. (WTOR)**

Order Scheduling Hearing

In re application of The Torrington Broadcasting Company, Incorporated (WTOR), Torrington, Connecticut, Docket No. 14134, File No. BP-13023; for construction permit.

It is ordered, This 31st day of May 1961, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1961, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, June 23, 1961.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5277; Filed, June 6, 1961;
8:52 a.m.]

[Docket Nos. 13926, 13927; FCC 61M-947]

**VALUE RADIO CORP. (WOSH) AND
HOWARD MILLER ENTERPRISES
AND CONSULTANTS, INC. (WGEZ)**

Order Continuing Hearing Conference

In re applications of Value Radio Corporation (WOSH), Oshkosh, Wisconsin, Docket No. 13926, File No. BP-13268; Howard Miller Enterprises and Consultants, Inc. (WGEZ), Beloit, Wisconsin, Docket No. 13927, File No. BP-13576; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 29th day of May 1961, that the pre-hearing conference in the above-entitled proceeding now scheduled for June 6, 1961, is continued to June 15, 1961, at 10:00 a.m.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5278; Filed, June 6, 1961;
8:52 a.m.]

[Docket No. 14044 etc.; FCC 61M-950]

WGRY, INC. (WGRY) ET AL.

Order Severing Applications

In re applications of WGRY, Inc. (WGRY), Gary, Indiana, Docket No. 14044, File No. BP-13163; Telegraph Herald (KDTH), Dubuque, Iowa, Docket No. 14046, File No. BP-13862; Prairie Radio Corporation (WPRC), Lincoln, Illinois, Docket No. 14047, File No. BP-14206; Central Wisconsin Broadcasting, Inc. (WCCN), Neillsville, Wisconsin, Docket No. 14048, File No. BP-14299; for construction permits.

The Hearing Examiner having under consideration a petition for severance filed jointly by Telegraph Herald (KDTH) and Central Wisconsin Broadcasting, Inc. (WCCN) and engineering data submitted in support thereof;

It appearing that a link between petitioners' proposals and the other proposals herein, i.e., a proposal by KSUM Broadcasting Company (KSUM) (Docket No. 14045) for improved facilities, has been broken by the dismissal of such application (see order of Chief Hearing Examiner, released May 5, 1961, FCC 61M-802); and that the engineering study submitted in support of the present petition (which includes measurement data) shows that the only remaining link between the petitioners' proposals and the remaining applicants, i.e., interference from proposed WPRC to KDTH, does not in fact exist since there will not in fact be a violation by petitioner KDTH of 47 CFR 3.28(c) (3); and, therefore, that there is no warrant any longer for treating petitioners' applications in consolidation with the two other applications herein;

It appearing further that the Commission's Broadcast Bureau, through its counsel, advised the Hearing Examiner informally that the Bureau has no objection to immediate grant of the relief requested; that the public interest will be served thereby;

It is ordered, This 31st day of May 1961, that the joint petition for severance of the Telegraph Herald (KDTH) and Central Wisconsin Broadcasting, Inc. (WCCN) applications is hereby granted; that the hearing upon the severed applications will commence, however, at the same date, time and place as previously scheduled but the hearing on such applications will take place before the hearing on the applications in Docket Nos. 14044 and 14047; that all undertakings, agreements and directions set forth in the transcript of the May 12, 1961, prehearing conference with respect to the severed applicants remain in effect; and that the applications of the petitioners are hereby severed for decisional purposes from further consideration with the applications in Docket Nos. 14044 and 14047.

Released: June 1, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5279; Filed, June 6, 1961;
8:53 a.m.]

[Docket No. 14006]

VHF TELEVISION CHANNELS**Non-Commercial Educational Use at New York, N.Y., and Los Angeles, California**

1. On May 26, 1961, Governor Robert B. Meyner, on behalf of the Citizens' and Legislature of the State of New Jersey and a Citizens' Committee concerning the future of Channel 13 in New Jersey, filed a request that the last day for filing comments in this proceeding be extended from June 1, 1961, to July 15, 1961.

2. While the Commission desires to avoid undue delay in dealing with the matters on which comments have been invited, it wishes to insure that full and fair opportunity be allowed for the preparation and submission of views and data by all interested parties. An extension is granted herein until June 12, 1961, in order to afford the Commission sufficient opportunity to consider the full request for a six-week extension. Its decision on the latter will be reached and announced before June 12, 1961.

3. Accordingly, it is ordered, That the foregoing request of Governor Meyner is granted in part and that the time for filing comments in this proceeding is extended from June 1, 1961, to June 12, 1961.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.241(e) (8) of the Commission's rules.

Dated: May 31, 1961.

Released: May 31, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-5280; Filed, June 6, 1961;
8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. AR61-2 et al.]

SOUTHERN LOUISIANA AREA**Order Instituting Rate Proceeding, Consolidating Proceedings and Prescribing Preliminary Procedure; Correction**

MAY 10, 1961.

In Appendix "C":

Add "Argo Oil Corp." and add "RI61-485".

Hawkins, H. L., and Hawkins, H. L., Jr., delete "G-19943".

Mecom, John W., delete "G-10357".

Mecom, John W., add footnote "3" to G-19874.

Mecom, John W., add footnote "5" to both G-19875 and G-19924.

Phillips Petroleum Company, "G-16803" should be "G-16083".

To "Hunt, Estate of Lyda Bunker" add footnote "6".

Add new footnotes:

* Now General American Oil Company of Texas.

NOTICES

* Now Hunt, Lyda, Margaret Trust; Hunt, Lyda, Lamar Trust; Hunt, Lyda, Herbert Trust; Hunt, Lyda, Bunker Trust; Hunt, Lyda, Caroline Trust.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5227; Filed, June 6, 1961;
8:46 a.m.]

[Project No. 2298]

JOHN CHANDLER SLAGLE**Notice of Application for Preliminary Permit**

MAY 31, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by John Chandler Slagle, Nenana, Alaska, for preliminary permit for proposed water power Project No. 2298, to be located on Nenana River approximately 8 miles east of the SE corner of Mt. McKinley National Park, and 1.25 miles upstream from the juncture of Bruskasna Creek and Nenana River, and affecting lands of the United States.

The proposed project would consist of: an earth or rock fill dam 1,320 feet long creating a reservoir at elevation 2,380 feet with a storage of approximately 1,650,000 acre-feet and area of about 13,250 acres; spillway constructed over natural bed rock; concrete tunnel 1,000 feet long; powerhouse at downstream toe of dam with installed capacity of 37,500 kilowatts; access roads; switchyard; transmission lines; and other appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 24, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5229; Filed, June 6, 1961;
8:46 a.m.]

[Docket No. CP61-249]

PANHANDLE EASTERN PIPE LINE CO.**Notice of Application and Date of Hearing**

MAY 31, 1961.

Take notice that on March 20, 1961, Panhandle Eastern Pipe Line Company (Applicant), 35th Street and Broadway, Kansas City, Missouri, filed an application, as supplemented on April 25, 1961, in Docket No. CP61-249, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon by sale to Missouri Utilities Company (Missouri Utilities) approximately 2.7 miles of its Columbia Lateral, Boone County, Missouri, and for a certificate of public convenience and necessity seeking authorization to relocate its Columbia, Missouri, town border meter and regulating station and to dismantle certain intermediate regulating facilities which would no

longer be required as a result of the proposed abandonment, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it renders natural gas service to Missouri Utilities for resale in Columbia, Missouri, and to Columbia Brick & Tile Company (Columbia Brick) through the Columbia Lateral which extends from Applicant's main transmission line southward for about eleven miles to Columbia and the plant of Columbia Brick. This lateral consists of about 7.5 miles of 6-inch loop line and about 3.5 miles of unlooped line. The unlooped portion extends southward from the terminus of the loop to an intermediate regulator station, at which point the lateral forks with one branch extending westward to Applicant's Columbia town border meter station at the city gate and the other branch, consisting of 4,460 feet of 6- and 2-inch lines, continuing southward to Columbia Brick.

The application recites that Columbia has experienced considerable growth and that to help meet the demands of a growing market, Missouri Utilities intends to install a 10-inch 4 mile branch line from the southern end of the looped section of the Columbia Lateral to the western part of Columbia and to acquire and operate 2.7 miles of Applicant's unlooped Columbia Lateral extending from the connection with the proposed 10-inch branch line southward to the Columbia town border station. Applicant states that Missouri Utilities intends to integrate these two lines into its distribution system.

Applicant proposes to relocate its existing town border station from the city gate to the southern end of the looped portion of the Columbia Lateral where delivery of gas to Missouri Utilities would take place after the transfer of facilities. Applicant also proposes to dismantle the existing intermediate regulator station and to sell the site to Missouri Utilities for \$2,500. The 2.7-mile segment of the Columbia Lateral will be sold for \$21,403.

Applicant states that the estimated cost of relocating the town border station is \$29,250 which cost will be financed from the proceeds of the sale of the 2.7 mile segment and from cash on hand.

Applicant will retain control of and operate 4,460 feet of the Columbia Lateral extending from a point near the city gates to Columbia Brick in order to continue to render service to Columbia Brick. Missouri Utilities has agreed to transport gas for Applicant through the facilities proposed to be acquired in order for Applicant to render service to Columbia Brick.

The foregoing proposal will be carried out pursuant to an agreement, dated December 16, 1960, between Applicant and Missouri Utilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advise, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5228; Filed June 6, 1961; 8:46 a.m.]

[Project No. 1971]

IDAHO POWER CO.

Notice of Withdrawal of Lands; Correction

JUNE 1, 1961.

The notice of withdrawal of land, dated January 29, 1960, given pursuant to the filing of application for Power Project No. 1971 by the Idaho Power Company, Brownlee H. E. Development, published in the FEDERAL REGISTER, Thursday, February 4, 1960, page 994 (F.R. Doc. 60-1100) is amended to include:

BOISE MERIDIAN, IDAHO

T. 13 N., R. 7 W.,

Sec. 7: Lot 7;

Sec. 8: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ Lot 1, S $\frac{1}{2}$ NW $\frac{1}{4}$ Lot 1, N $\frac{1}{2}$ Lot 2.

In Willamette Meridian, Oregon, "T. 9 S., R. 46 E., Sec. 22: W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ " is corrected to read: "E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5231; Filed, June 6, 1961; 8:46 a.m.]

[Docket Nos. RI61-506—RI61-513]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;¹ and Allowing Rate Change To Become Effective Subject To Refund

MAY 31, 1961.

Socony Mobil Oil Company, Inc. (Operator), Docket No. RI61-506; Texaco, Inc. (Operator), et al., Docket No. RI61-507; E. A. Culbertson and Wallace W. Irwin, Docket No. RI61-508; Falcon Seaboard Drilling Company (Operator), et al., Docket No. RI61-509; Amerada Petroleum Corporation (Operator), et al., Docket No. RI61-510; Anadarko Production Company, Docket No. RI61-511; Union Oil Company of California, Docket No. RI61-512; E. B. Clark, Docket No. RI61-513.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules, for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia, with the exception of Falcon Seaboard Drilling Company (Operator) et al., which is sold at 15.025 psia.

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-506...	Socony Mobil Oil Co., Inc. (Operator), P.O. Box 900, Dallas 21, Tex.	3	31	Cities Service Gas Co. (Hugoton Field, Grant County, Kans.).	\$648,460	5- 1-61	6-17-61	11-17-61	11.0	² 14.0	-----
RI61-507...	Texaco Inc. (Operator) et al., P.O. Box 2332, Houston, Tex.	133	29	Natural Gas Pipeline Co. of America (Camrick Field, Texas and Beaver Counties, Okla.).	559	5- 1-61	6- 5-61	11- 5-61	16.8	⁴ 17.0	³ RI60-359
RI61-508...	E. A. Culbertson and Wallace W. Irwin, P.O. Box 1071, Midland, Tex.	4	1	El Paso Natural Gas Co. (Crosby-Devonian Field, Lea County, N. Mex.).	6	5- 1-61	6- 1-61	11- 1-61	10.5	⁵ 15.5599	-----
RI61-509...	Falcon Seaboard Drilling Co. (Operator) et al., c/o John L. Arrington, Jr. Attorney, 510 Oklahoma Natural Building, Tulsa 19, Okla.	8	1	American Louisiana Pipe Pipe Line Co. (Shuteston Field, St. Landry Parish) (Southern Louisiana).	20,075	5- 1-61	6- 1-61	11- 1-61	21.5	⁴ 24.0	-----
RI61-510...	Amerada Petroleum Corp. (Operator) et al., P.O. Box 2040, Tulsa 2, Okla.	29	2	Lone Star Gas Co. (Velma Field, Stephens County, Okla.).	14,996	5- 3-61	6- 3-61	11- 3-61	11.0	⁶ 16.8	-----
RI61-511...	Anadarko Production Co., P.O. Box 351, Liberal, Kans.	6	3	Northern Natural Gas Co. (Hugoton Field, Seward and Finney Counties, Kans.).	1,660	5- 3-61	7- 1-61	12- 1-61	⁸ 12.0	⁷ 13.0	-----
RI61-512...	Union Oil Co. of California, c/o Hogan and Hartson, Attorneys, Colorado Building, Washington 5, D.C.	10	7	El Paso Natural Gas Co. (Dollard Field, Andrews County, Tex.) (R. R. District No. 8).	None	5- 5-61	6- 5-61	¹¹ 6- 6-61	⁹ 17.11475	¹⁰ 17.11475	⁸ RI60-438
RI61-513...	E. B. Clark, 612 City National Building, Wichita Falls, Tex.	1	1	The Shamrock Oil and Gas Corp. (West Panhandle Field, Moore County, Tex.) (R.R. Dist. No. 10).	1,700	5- 4-61	6- 4-61	11- 4-61	9.5	⁶ 11.5	-----

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by respondent.

² Rate increase based on 3.0 cents per Mcf charge for gathering and compression.

³ Also subject to orders in Docket Nos. G-18564, G-15071, and G-12635.

⁴ Periodic increase per contract.

⁵ Renegotiated increase plus applicable tax reimbursement.

⁶ Favored-nation increase.

⁷ Subject to downward Btu adjustment.

⁸ Also subject to order in Docket No. G-13997.

⁹ Rate based on favored-nation clause of contract.

¹⁰ Rate based on renegotiation by elimination of favored-nation clause.

¹¹ Suspended for one day until June 6, 1961.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement No. 7 to Union Oil Company of California's FPC Gas Rate Schedule No. 10 shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Union Oil Company of California shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Union Oil Company of California is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 17, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-5230; Filed, June 6, 1961;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37180: *Fertilizers to southwestern territory*. Filed by Southwestern Freight Bureau, Agent (No. B-8028), for interested rail carriers. Rates on fertilizer and fertilizer materials, as described in the application, in carloads, from official and southern territory border points in Indiana, Kentucky, North Carolina, Ohio, Virginia and West Virginia, to points in southwestern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4422.

FSA No. 37181: *Processed clay to southern and official territories*. Filed by O. W. South, Jr., Agent (No. A4103), for interested rail carriers. Rates on processed clay, in carloads, from specified points in Alabama, Florida, Georgia, Mississippi, and North Carolina, to points in southern and official (including Illinois) territories.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 91 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 37182: *Sand to points in western trunk line territory*. Filed by O. W. South, Jr., Agent (No. A4104), for interested carriers. Rates on sand, as described in the application, in carloads, from Camden, Hollow Rock, Lipe, Sawyers Mill and Lexington, Tenn., to specified points in Iowa, Kansas, Minnesota, Nebraska and South Dakota.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. 1634.

FSA No. 37183: *Fresh meats to trunk-line and New England territories*. Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2580), for interested rail carriers. Rates on fresh meats and packinghouse products, as described in the application, in carloads, from specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, to specified points in trunk-line territory east of trunk-line arbitrary territory east of Pittsburgh, Pa., and New England territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 175 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-17.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37179: *Passenger fares in the United States*. Filed by E. B. Padrick, Agent (No. 6), for interested rail carriers. Involving basic coach fares for the transportation of persons, between points in the United States.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to the method of disposition of fractions in proposed increased fares.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-5243; Filed, June 6, 1961;
8:47 a.m.]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

[Notice 164]

JUNE 2, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 13), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif., filed May 15, 1961. Attorney Charles G. Stevenson, same address. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Seattle, Wash., over Interstate Highway 5 to junction Interstate Highway 5W thence over Interstate Highway 5W or 5E to junction Interstate Highway 5, thence over Interstate Highway 5 to San Diego, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Los Angeles, Calif., over U.S. Highway 99 to junction California Highway 120 at Manteca, Calif., thence over California Highway 120 to junction U.S. Highway 50, thence over U.S. Highway 50 to San Francisco; From Los Angeles over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 99E to junction unnumbered highway (formerly U.S. Highway 99E) near Richvale, Calif., thence over unnumbered highway via Nelson and Durham, Calif., to junction U.S. Highway 99E near Chico, Calif., thence over U.S. Highway 99E to Red Bluff, Calif., thence over U.S. Highway 99 to Shady Point, Oreg., thence over Oregon Secondary Highway 235 (formerly U.S. Highway 99) to junction U.S. Highway 99 north of Oakland, Oreg., thence over U.S. Highway 99 to junction Oregon Secondary Highway 235 (formerly U.S. Highway 99), thence over Oregon Secondary Highway 235 to junction Oregon Highway 38 (formerly U.S. Highway 99) thence over Oregon Highway 38 to Anlauf, Oregon, thence over U.S. Highway

99 to junction Oregon Highway 225 (formerly U.S. Highway 99) at or near Goshen, Oreg., thence over Oregon Highway 225 to junction U.S. Highway 126 (formerly U.S. Highway 99), thence over U.S. Highway 126 to Eugene, Oreg., thence over U.S. Highway 99 (portion formerly U.S. Highway 99E) to junction Oregon Highway 164 (formerly U.S. Highway 99E) south of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 north of Jefferson, Oreg., thence over U.S. Highway 99 (formerly U.S. Highway 99E) to junction U.S. Highway 99E, thence over U.S. Highway 99E to Portland (also from junction U.S. Highway 99 and Oregon Highway 164 south of Jefferson, Oreg., over U.S. Highway 99 to junction Oregon Highway 164 north of Jefferson, Oreg., as an alternate route or operating convenience only, serving no intermediate points); from Davis Junction, Calif., over U.S. Highway 99W to Red Bluff, Calif.; from Junction City, Oreg., over U.S. Highway 99 to junction U.S. Highway 99W, thence over U.S. Highway 99W to junction U.S. Highway 99 (formerly U.S. Highway 99W), thence over U.S. Highway 99 to Portland, Oreg.; from junction U.S. Highways 99 and 99W over U.S. Highway 99 to junction Oregon Highway 51, thence over Oregon Highway 51 to junction U.S. Highway 99E; from Anlauf, Oreg., over relocated U.S. Highway 99 to junction Oregon Secondary Highway 235; from junction U.S. Highway 99 and Oregon Secondary Highway 235 over relocated U.S. Highway 99 to Shady Point; from Portland, Oreg., over U.S. Highway 99 to junction Washington Highway 1 (formerly U.S. Highway 99) at or near Olequa, Wash., thence over Washington Highway 1 via Toledo and Chehalis, Wash., to junction Washington Highway 9 (formerly U.S. Highway 99) at or near Centralia, Wash., thence over Washington Highway 9 to junction unnumbered highway (formerly U.S. Highway 99) at or near Grand Mound, Wash., thence over unnumbered highway via Tenino, Wash., to junction U.S. Highway 99 at or near Tumwater, Wash., thence over U.S. Highway 99 to Seattle; from Los Angeles over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 99E to junction unnumbered highway (formerly U.S. Highway 99E) near Richvale, Calif., thence over unnumbered highway via Nelson and Durham, Calif., to junction U.S. Highway 99E near Chico, Calif., thence over U.S. Highway 99E to Red Bluff, Calif. (also from Sacramento over U.S. Highway 99W to Red Bluff), thence over U.S. Highway 99 to Shady Point, Oreg., thence over Oregon Secondary Highway 235 (formerly U.S. Highway 99) to junction U.S. Highway 99 north of Oakland, Oreg., thence over U.S. Highway 99 to junction Oregon Secondary Highway 235 (formerly U.S. Highway 99), thence over Oregon Secondary Highway 235 to junction Oregon Highway 38 (formerly U.S. Highway 99), thence over Oregon Highway 38 to Anlauf, Oreg., thence over U.S. Highway 99 to junction Oregon Highway 225 (formerly U.S. Highway 99) at or near Goshen, Oreg., thence over Oregon Highway 225 to junction U.S. Highway 126 (formerly U.S. Highway 99), thence

over U.S. Highway 126 to Eugene, Oreg., thence over U.S. Highway 99 to junction U.S. Highway 99W north of Junction City, Oreg., thence continue over U.S. Highway 99 (formerly U.S. Highway 99E) to junction Oregon Highway 164 (formerly U.S. Highway 99E) south of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 (formerly U.S. Highway 99E) north of Jefferson, Oreg., thence over U.S. Highway 99 to junction U.S. Highway 99E, thence over U.S. Highway 99E to Portland, (also from Junction City, Oreg., over U.S. Highway 99 to junction U.S. Highway 99W, thence over U.S. Highway 99W to junction U.S. Highway 99 (formerly U.S. Highway 99W), and thence over U.S. Highway 99 to Portland), thence over U.S. Highway 99 to junction Washington Highway 1 (formerly U.S. Highway 99) at or near Olequa, Wash., thence over Washington Highway 1 via Toledo and Chehalis, Wash., to junction Washington Highway 9 (formerly U.S. Highway 99) at or near Centralia, Wash., thence over Washington Highway 9 to junction unnumbered highway (formerly U.S. Highway 99) at or near Grand Mound, Wash., thence over unnumbered highway via Tenino, Wash., to junction U.S. Highway 99 at or near Tumwater, Wash., thence over U.S. Highway 99 to Seattle; from Stockton, Calif., over U.S. Highway 99 to Los Angeles; from Los Angeles over U.S. Highway 101 to San Diego, and return over the same routes.

No. 2202 (Deviation No. 20), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed May 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 276 and Interstate Highway 26 over Interstate Highway 26 to Columbia, S.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Interstate Highway 26 and U.S. Highway 276 south of Greenville, S.C., over U.S. Highway 276 to junction U.S. Highway 76, and thence over U.S. Highway 76 to Columbia, and return over the same route.

No. MC 2202 (Deviation No. 21), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed May 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 42 and Interstate Highway 264, near Prospect, Ky., over Interstate Highway 264 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 31W, near Upton, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Interstate Highway 264 and U.S. Highway 42, near Prospect, over

U.S. Highway 42 to Louisville, Ky., thence over U.S. Highway 31W to junction Interstate Highway 65 near Upton, and return over the same route.

No. MC 2229 (Deviation No. 4), RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas 7, Tex., filed May 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 75 and Interstate Highway 45 south of Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75 south of Corsicana, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 75.

No. MC 30138 (Deviation No. 2), A.C.E. TRANSPORTATION COMPANY, INC., 395 Baird Street, Akron, Ohio, filed May 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Auburn, N.Y., over U.S. Highway 20 to Albany, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Avon, N.Y., over New York Highway 5 to Utica, N.Y. (also from junction New York Highway 78 and U.S. Highway 20 over New York Highway 78 to junction New York Highway 33, thence over New York Highway 33 to junction New York Highway 33A, thence over New York Highway 33A to Rochester, N.Y., thence over New York Highway 31 to junction New York Highway 365, thence over New York Highway 365 to Rome, N.Y., and thence over New York Highway 49 to Utica), thence over New York Highway 5 to Schenectady, N.Y., thence over New York Highway 7 to Troy, N.Y., thence over New York Highway 2 to the New York-Massachusetts State line, and return over the same route.

No. MC 30250 (Deviation No. 3), HOUSTON & NORTH TEXAS MOTOR FREIGHT LINES, INC., 2515 Irving Boulevard, Dallas 7, Tex., filed May 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction of Interstate Highway 45 and U.S. Highway 75, south of Dallas, Tex., over Interstate Highway 45 to junction U.S. Highway 75, south of Corsicana, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points over U.S. Highway 75.

No. MC 54430 (Deviation No. 1), MARCELL'S MOTOR EXPRESS, INC., 947 Shelburne Rd., South Burlington, Vt., filed May 18, 1961. Attorney Kenneth B. Williams, 111 State St., Boston 9, Mass. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general*

commodities, with certain exceptions, over a deviation route as follows: From Albany, N.Y., over the New York Thruway to New York, N.Y., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Albany over U.S. Highway 9 to New York; and from Albany over U.S. Highway 9W to Newburgh, N.Y., thence over N.Y. Highway 32 to Harriman, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to Jersey City, N.J., and thence across the Hudson River to New York, and return over the same route.

No. MC 59680 (Deviation No. 14), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas 2, Tex., filed May 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 51 to Bloomington, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highways 61 and 63 to Turrell, Ark., thence over U.S. Highway 61 to Hayti, Mo., thence over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 66 to Bloomington, and return over the same route.

No. MC 65491 (Deviation No. 1), GEORGE W. BROWN, INC., 1475 East 222d Street, New York 69, N.Y., filed May 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, and thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 65491 (Deviation No. 2), GEORGE W. BROWN, INC., 1475 East 222d Street, New York 69, N.Y., filed May 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from New York, N.Y., over Interstate Highway 95 to Providence, R.I., and return over the same route, for operat-

ing convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From New York over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., and thence over U.S. Highway 20 to Boston, Mass.; from Norwalk, Conn., over U.S. Highway 7 to Danbury, Conn., thence over U.S. Highway 6 to junction Massachusetts Highway 3, and thence over Massachusetts Highway 3 to Boston, and return over the same routes.

No. MC 65491 (Deviation No. 3), GEORGE W. BROWN, INC., 1475 East 222d Street, New York 69, N.Y., filed May 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from New York, N.Y., over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 20 to junction New York Highway 130, and thence over New York Highway 130 to Buffalo; from New York over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to junction New York Highway 31B, thence over New York Highway 31B to Weedsport, N.Y., and thence over New York Highway 31 to Rochester, N.Y.; from New York over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., and thence over U.S. Highway 20 to Boston; from Hartford, Conn., over Connecticut Highway 15 to the Connecticut-Massachusetts State line, and thence over Massachusetts Highway 15 to junction U.S. Highway 20, and return over the same routes.

No. MC 65491 (Deviation No. 4), GEORGE W. BROWN, INC., 1475 East 222d Street, New York 69, N.Y., filed May 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 1 and 46 over U.S. Highway 46 to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction U.S. Highway 40, and thence over U.S. Highway 40 to junction U.S. Highway 1 at Baltimore, Md., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Newark, N.J., over U.S. Highway 1 to Richmond, Va.; from New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over Highway 22 to Easton, Pa., thence over unnumbered highway (formerly U.S. Highway 22) via Wilson, Dryland, Butztown, Bethlehem and Allentown, Pa., to junction U.S. Highway 22, thence over U.S.

Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) at or near Strausstown, Pa., and thence over unnumbered highway via Strausstown and Bethel, Pa., to junction U.S. Highway 22, and thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 2661 (Deviation No. 2), INDIAN TRAILS, INC., 109 East Comstock Street, Owosso, Mich., filed May 12, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 27 and Interstate Highway 94 over Interstate Highway 94 to junction U.S. Highway 12 near Stevensville, Mich., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points, over U.S. Highway 12.

No. MC 8500 (Deviation No. 1), INTERSTATE COACH COMPANY, 710 Sevier Avenue, Knoxville (20), Tenn., filed May 15, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage* over a deviation route as follows: From Kingsport, Tenn., over U.S. Highway 11-W to Bristol, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers between the same points over Old U.S. Highway 11-W.

No. MC 13300 (Deviation No. 4), CAROLINA COACH COMPANY, P.O. Box 1591, Raleigh, N.C., filed May 16, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Norfolk, Va., over city streets to the Hampton Roads Bridge-Tunnel and over said Bridge Tunnel to junction Interstate Highway 64, and thence over Interstate Highway 64 to junction Virginia Highway 168 and thence over Virginia Highway 168 to junction U.S. Highway 60, and thence over U.S. Highway 60 to Richmond, Va., and return over the same route, with operating convenience only, with no service to intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Norfolk over city streets to Portsmouth, Va., thence over Virginia Highway 337 to Driver, Va., thence over "Kings Highway" to Chuckatuck, Va., thence over Virginia Highway 10 to junction U.S. Highways 1 and 301, thence over U.S. Highways 1 and 301 to Richmond, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5244; Filed, June 6, 1961;
8:47 a.m.]

[Notice 380]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 2, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers, or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE**MOTOR CARRIERS OF PROPERTY**

No. MC 21866 (Sub No. 45), filed May 15, 1961. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reasing Avenue, Boyertown, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, signal flashers, tubes, electric switches or circuit breakers, electronic ignition systems, and advertising materials* used in the sale of such commodities, from Boyertown, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and *used tubes and empty shipping containers*, from the destination points specified immediately above to Boyertown, Pa.

HEARING: July 12, 1961, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 31444 (Sub No. 47), filed May 11, 1961. Applicant: SCHREIBER TRUCKING CO., INC., 1315-99 Washington Boulevard, Pittsburgh 6, Pa. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk, and those requiring special equipment, serving Oakbrook, Ill., near Aurora, Ill., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: July 19, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 35541 (Sub No. 12), filed April 12, 1961. Applicant: MORTON SCHNEIDER, doing business as MORTON TRANSFER, Fourth and Maury Streets, Richmond, Va. Applicant's attorney: Henry E. Ketner, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionary, chocolate candy and confectionary, including milk chocolate candy and confectionary*, in refrigerated equipment, from Richmond, Va., to points in Virginia within sixty-five (65) miles thereof.

HEARING: July 11, 1961, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 108, or, if the Joint Board waives its right to participate, before Examiner John L. York.

No. MC 36630 (Sub No. 4), filed April 26, 1961. Applicant: DONALD E. GRAETTINGER AND RUSSELL E. JONES, doing business as GRAETTINGER FREIGHT LINE, Graettinger, Iowa. Applicant's attorney: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is usually dealt in by wholesale and retail hardware business houses*, between Minneapolis, Minn., on the one hand, and, on the other, points in Iowa east and south of a line beginning at the Minnesota-Iowa State line, and extending southward along U.S. Highway 69 to its junction with Iowa Highway 3, thence along Iowa Highway 3 westward to the Iowa-South Dakota State line near Westfield, Iowa.

NOTE: Applicant states the proposed operation will be restricted to transportation to be performed under contract with one shipper, the OUR OWN HARDWARE COMPANY.

HEARING: July 25, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 41404 (Sub No. 25), filed April 28, 1961. Applicant: ARGO COLLIER TRUCK LINES CORPORATION, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Louisiana, Arkansas, and Tennessee, to points in Arkansas, Missouri, Tennessee, Georgia, Alabama, Oklahoma, Iowa, Kansas, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: July 20, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Donald R. Southerland.

No. MC 42487 (Sub No. 508, filed May 10, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from the plant site of the California Spray-Chemical Corporation, Richmond, Calif., to points in Arizona, and New Mexico.

NOTE: Common control may be involved.

HEARING: July 14, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 52709 (Sub-No. 134), filed April 20, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, cocoa butter, cocoa products, chocolate products, chocolate coating and chocolate chips*, in bulk, in tank vehicles from Milwaukee, Wis., to points in California, Oregon, Washington, Utah, and Montana.

HEARING: July 20, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner J. Thomas Schneider.

No. MC 55236 (Sub No. 52), filed May 12, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, Station A—P.O. Box 1187, Green Bay, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins, varnish, varnish and processed oils*, in bulk, in tank vehicles, from Saukville, Wis., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and *damaged and rejected shipments* of the above-specified commodities, on return.

HEARING: July 19, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner J. Thomas Schneider.

No. MC 61403 (Sub No. 63), filed May 12, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, and chocolate coating compounds*, in bulk, in tank vehicles, (1) from Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, and Texas, and (2) from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

HEARING: July 12, 1961, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 83539 (Sub No. 79) (AMENDMENT), filed March 27, 1961, published issue April 12, 1961, and republished as amended, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest 16th Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Pipe, rods, casing and tubing*, from points in the Kansas City, Kans.-Mo., Commercial Zone, and Barge terminal and Pipe Storage yards within a 25 mile radius of Kansas City, including the site of Powell Port Facilities, Inc., Pomeroy Bend, Kans., to points in Montana, Nebraska, North Dakota, and South Dakota.

HEARING: Remains as assigned June 26, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 95540 (Sub No. 366), filed May 29, 1961. Applicant: **WATKINS MOTOR LINES, INC.**, Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, from Rochelle, Ill., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the *FEDERAL REGISTER*, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING INFORMATION: The subject application was assigned for hearing June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine, along with numerous applications seeking similar authority. The purpose of this late publication of the issues is to advise that any person or persons who might have been prejudiced by lack of sufficient notice prior to the hearing, may, within 30 days from the date of this publication, file a petition for further hearing.

No. MC 99090 (Sub No. 3), filed April 10, 1961. Applicant: **YATES TRUCK LINES, INC.**, Maud, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Jeffersonville, Ind., and Cincinnati, Ohio, to points in Kentucky, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, on return.

HEARING: July 11, 1961, at the U.S. Court Rooms, Louisville, Ky., at 1:00 p.m., before Joint Board No. 208, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 99373 (Sub No. 1), filed May 9, 1961. Applicant: **SIGFRIED V. JOHANSSON**, doing business as **CITY DELIVERY SERVICE**, 172, Elm Street, Leominster, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment requiring specialized handling or rigging because of size or weight*, between Leominster, Mass., on the one hand, and, on the other, points in Hillsboro and Cheshire Coun-

ties, N.H., and Windham and Windsor Counties, Vt.

HEARING: July 19, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 189, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 103654 (Sub No. 60), filed April 24, 1961. Applicant: **SCHIRMER TRANSPORTATION COMPANY, INCORPORATED**, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, One Thousand, First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, from Minneapolis-St. Paul Minn., to points in the Lower Peninsula of Michigan, Ohio, Indiana, Illinois, Missouri, Pennsylvania, and New York, and Minnesota, and *liquid adhesive ingredients*, on return.

HEARING: July 27, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 103880 (Sub No. 223), filed April 14, 1961. Applicant: **PRODUCERS TRANSPORT, INC.**, 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the Texas Eastern Gas Transmission Company, pipeline, located at or near Oakland City, Ind., to points in Indiana, Illinois, Kentucky, Michigan, Missouri, and Ohio.

NOTE: Applicant states that it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd., so therefore common control may be involved.

HEARING: July 10, 1961, at the Midland Hotel, Chicago, Ill., before Examiner J. Thomas Schneider.

No. MC 103880 (Sub No. 224), filed April 14, 1961. Applicant: **PRODUCERS TRANSPORT, INC.**, 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities* (except acids and chemicals and petroleum products), in bulk, in tank vehicles, between points in Illinois, on the one hand, and, on the other, the Ports of Entry on the International Boundary line between the United States and Canada at or near Port Huron and Detroit, Mich.

NOTE: Applicant states that it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd., so therefore common control may be involved.

HEARING: July 10, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 103880 (Sub No. 228), filed May 17, 1961. Applicant: **PRODUCERS**

TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and oils*, in bulk, in tank vehicles, from Millsdale, Ill., to points in Connecticut, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, West Virginia, and Wisconsin.

NOTE: Applicant states it is the owner of 50 percent of the outstanding share of Tank Truck Transport, Limited, therefore, common control may be involved.

HEARING: July 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner J. Thomas Schneider.

No. MC 105642 (Sub No. 4), filed May 15, 1961. Applicant: **BARDSTOWN TRANSFER LINE, INC.**, 116 West Stephen Foster Avenue, Bardstown, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Deatsville, Ky., and Lotus, Ky.; from Deatsville over Kentucky Highway 245, and return over the same route, serving all intermediate points. (2) Between Lotus, Ky., and Louisville, Ky.; from Lotus over Kentucky Highway 245 to the Kentucky Turnpike (U.S. Interstate Highway 65), thence over Kentucky Turnpike to Louisville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (3) Between Athertonville, Ky., and Louisville, Ky.; from Athertonville over U.S. Highway 31-E to Hodgenville, Ky., thence over U.S. Highway 61 to Elizabethtown, Ky.; thence over Kentucky Turnpike (U.S. Interstate Highway 65) to Louisville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

HEARING: July 12, 1961, at the U.S. Court Rooms, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 106965 (Sub No. 166), filed May 18, 1961. Applicant: **M. I. O'BOYLE & SON, INC.**, doing business as **O'BOYLE TANK LINES**, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, in tank and hopper vehicles, from Josephstown and Palmerton, Pa., to Baltimore, Md.

NOTE: Applicant has pending applications in MC 112563 and Subs thereunder, therefore, dual operations may be involved.

HEARING: July 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 107107 (Sub No. 154), filed August 9, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, 2424 Northwest 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, food products, food materials, food ingredients, food preservatives, and food coloring*; (2) *containers, container seals and tops*, for the commodities named in (1) above; and (3) *advertising, promotional, and display materials and premiums and dispensers*, when shipped with the commodities named in (1) above, from New York, N.Y., and points in New Jersey within 15 miles thereof, except those in Monmouth County, N.J., to Savannah, Ga., and points in Florida.

NOTE: Applicant states it holds authority to transport many food items in this territory and does not seek duplicating authority.

HEARING: July 25, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Gordon M. Callow.

No. MC 107475 (Sub No. 49), filed May 11, 1961. Applicant: DANCE FREIGHT LINES, INC., 728 National Avenue, Lexington, Ky. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cleveland, Tenn. and Spartanburg, S.C.; from Cleveland, Tenn. over U.S. Highway 64 to Ranger, N.C., thence over U.S. Highway 19 to Blairsville, Ga., thence over U.S. Highway 76 to Westminster, S.C., thence over U.S. Highway 123 to Greenville, S.C., and thence over U.S. Highway 29 to Spartanburg, and return over the same route, serving Ocoee, Tenn. and Greenville, S.C., for purpose of joinder to existing routes only.

HEARING: July 17, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Donald R. Sutherland.

No. MC 108194 (Sub No. 8), filed April 17, 1961. Applicant: WILLIAM B. MEYER, INCORPORATED, 30 Moffitt Street, Stratford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and Classes A and B explosives, household goods as defined by the Commission and those requiring special equipment), in pool truck distribution service, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between Stratford, Conn., to points in Connecticut.

HEARING: July 17, 1961, at the Bond Hotel, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board

waives its right to participate, before Examiner Gordon M. Callow.

No. MC 108449 (Sub No. 123), filed May 4, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, packing glasses, jelly tumblers*, with or without their equipment of caps, covers, stoppers, or tops; in straight or mixed truckloads; or in mixed truckloads with corrugated paper boxes or paper containers, knocked down, from Valley Park, Minn., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan, Wisconsin, and Muskegee, Okla., and Lapel, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: July 26, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 109749 (Sub No. 12) (REPUBLICATION), filed October 17, 1960, published issue of November 30, 1960, and republished as amended this issue. Applicant: GAIL W. DAHL AND FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, Lincoln 8, Nebr. As originally filed, the application sought authority as a contract carrier, by motor vehicle, transporting packinghouse products, as described by the Commission, from Sioux City, Iowa, to certain specified portions of Montana and Wyoming. At the hearing held January 31, 1961, at Sioux City, Iowa, before Hearing Examiner Allen W. Hagerty, the application was amended to include additional service involving Scottsbluff and Alliance, Nebr. A Report and Order dated April 14, 1961, finds that applicants are fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicants as a *contract carrier* by motor vehicle, under a continuing contract with Armour & Company of (a) *meats, meat products and meat byproducts*, (b) *dairy products*, and (c) *articles distributed by meat-packinghouses*, as described in appendix I of *Descriptions in Motor Carrier Certificates*, supra, from Sioux City, Iowa (a) to Scottsbluff and Alliance, Nebr.; (b) to points in that part of Montana on, south and east of a line beginning at the Montana-North Dakota State line near Beach, N. Dak., and extending along U.S. Highway 10 to junction Montana Highway 20S, thence along Montana Highway 20S to junction Montana Highway 20, thence along Montana Highway 20 to junction U.S. Highway

87, thence along U.S. Highway 87 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, including points on the indicated portions of the highways specified; and, (c) to points in that part of Wyoming on and east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 89 to junction U.S. Highway 26, thence along U.S. Highway 26 to its eastern junction with U.S. Highway 287 near Morton, Wyo., thence along U.S. Highway 287 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U. S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line, including points on the indicated portions of the highways specified will be consistent with the public interest and the national transportation policy. Any person or persons who might have been prejudiced by the allowance of the amendment, may, within 30 days from the date of this publication, file an appropriate pleading.

No. MC 110420 (Sub No. 285), filed May 12, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic resins, varnish and processed oils*, in bulk, in tank vehicles, from Saukville, Wis., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *damaged and rejected shipments* of the commodities specified in this application, from the above-specified destination points to Saukville, Wis.

NOTE: Common control may be involved.

HEARING: July 19, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner J. Thomas Schneider.

No. MC 110662 (Sub No. 4), filed May 9, 1961. Applicant: KELLOGG TRUCKING COMPANY, INC., U.S. Highway 31, Speed, Ind. Applicant's attorney: Frank J. Dougherty, Jr., Kentucky Home Life Building, Louisville, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hot mix, gravel, crushed stone, stone products, sand, cement* in bulk, and *lime* in bulk and in packages, in dump trucks, from points in Clark County, Ind. (except Speed, Ind., which is located in Clark County, Ind.) to points in Jefferson, Oldham, Shelby, Bullitt, Hardin, Spencer, and Nelson Counties, Ky. (except from Speed, Ind., to said points); and (2) *refused, rejected, and unused shipments* of the above-described commodities, from the above-specified destination points to points in Clark County,

Ind. (except Speed, Ind., which is located in Clark County, Ind.).

NOTE: Applicant states that the reason it is excluding Speed, Ind., in Clark County, Ind., as a pickup point in this application is that under its present authority in MC 110662 it has authority to pick up the stated articles in Speed, Ind., only.

HEARING: July 12, 1961, at the U.S. Court Rooms, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 113855 (Sub No. 55), filed May 26, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source and special nuclear and by-product materials, radioactive and classified materials, and related reactor, experiment, component parts and associated materials*, serving between the sites of the facilities of the National Reactor Testing Station, other facilities of the U.S. Government and U.S. Government contractors located at points in Alameda, Contra Costa, Los Angeles, Ventura, Santa Clara and San Francisco Counties, Calif., Hartford, Middlesex, and New Haven Counties, Conn., Burke County, Ga., Butte and Jefferson Counties, Idaho, Du Page County, Ill., Baltimore County, Md., Bristol and Middlesex Counties, Mass., Wayne County, Mich., Bernalillo and Los Alamos Counties, N. Mex., Schenectady, Suffolk, and Westchester Counties, N. Y., Hamilton, Licking, Montgomery, and Summit Counties, Ohio, Allegheny, Centre, and Westmoreland Counties, Pa., Anderson County, Tenn., Tooele County, Utah, Campbell County, Va. and Benton County, Wash.

HEARING: June 12, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Hugh M. Nicholson.

No. MC 114457 (Sub No. 3), filed April 21, 1961. Applicant: DART TRANSIT COMPANY, 708 North Prior Avenue, St. Paul 4, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, packing glasses, jelly tumblers*, with or without their equipment of caps, covers, stoppers, or stops, and *corrugated paper boxes or paper containers*, knocked down, from Rosemount and Valley Park (near Savage), Minn., to points in Illinois, Iowa, Kansas, Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Muskogee, Okla., and Lapel, Ind.

HEARING: July 26, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 114533 (Sub No. 26), filed April 17, 1961. Applicant: BANKER'S DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La-

Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impressions, models, and bites, articulators, dentures, and products relating to restorative dentistry, eye glasses* (including frames, lenses and other parts thereof), (1) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, and points in Waukesha, Racine, Milwaukee, Manitowoc, Brown, Winnebago, Fond du Lac, Washington, Outagamie, Ozaukee, Kewaunee, Calumet, Rock, Dane and Sheboygan Counties, Wis. (2) Between, Chicago, Ill., on the one hand, and on the other, points in Berrien, Cass, Saint Joseph, Branch, Hillsdale, Monroe, Lenawee, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Allegan, Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Ottawa, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, Saint Clair, Muskegon, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay and Huron Counties, Mich. (3) Between Kansas City and St. Joseph, Mo., on the one hand, and, on the other, points in Otoe, Cass, Sarpy, Douglas, Lancaster, Johnson and Nemaha Counties, Nebr., and points in Kansas. (4) Between Omaha, Nebr., on the one hand, and, on the other, points in Woodbury and Monona Counties, Iowa. (5) Between St. Joseph, Mo., on the one hand, and on the other, points in Richardson, Pawnee, Gage, Jefferson, Thayer, Saline, Seward, Saunders, Butler, Dodge, Washington, Rock, Furnas, Hitchcock, Clay, Franklin, Fillmore, Hall, Nuckolls, Adams, Red Willow, Webster, and Harlan Counties, Nebr., and Fremont, Page, Montgomery, Mills, Pottawattamie, Taylor, Union, and Ringgold Counties, Iowa. (6) Between Detroit, Mich., on the one hand, and on the other, points in St. Joseph and Elkhart Counties, Ind. (7) Between Toledo, Ohio, and points in Michigan and Indiana.

HEARING: July 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner J. Thomas Schneider.

No. MC 115257 (Sub No. 12), filed May 22, 1961. Applicant: SHAMROCK VAN LINES, INC., 106 North Haskell Street, Dallas 26, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, between points in Kentucky, Virginia, and Tennessee, on the one hand, and, on the other, points in Tennessee, Virginia, Kentucky, Indiana, Ohio, Michigan, West Virginia, Georgia, Alabama, and Florida.

HEARING: July 18, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Donald R. Sutherland.

No. MC 116077 (Sub No. 103), filed May 17, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Salt*, from Winnfield, La., and points within five (5) miles thereof, to points in Louisiana, Mississippi, Arkansas, and Texas.

HEARING: July 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 117339 (Sub No. 3), filed April 7, 1961. Applicant: WILLARD SHEWMAKER, 5412 Nylon Court, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Suite 202, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barium, fly ash, ground shale, and soda ash*, in bags, from points in Illinois, and Ohio, to Coral Ridge, Ky.

HEARING: July 13, 1961, at the U.S. Court Rooms, Louisville, Ky., before Examiner Donald R. Sutherland.

No. MC 118532 (Sub No. 1), filed April 10, 1961. Applicant: DENVER PATTON, Route 5, London, Ky. Applicant's attorney: Calvert C. Little, London, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags*, from Bristol, Tenn., to London, Ky.; (2) *Commercial fertilizer*, from Seymour, Ind., Nashville, and Knoxville, Tenn., and St. Bernard, (Cincinnati) Ohio, to points in Kentucky; and (3) *Ammonium nitrate, and super phosphate*, from Sheffield, Ala., to points in Kentucky.

HEARING: July 13, 1961, at the U.S. Court Rooms, Louisville, Ky., before Examiner Donald R. Sutherland.

No. MC 118767 (Sub No. 3), filed April 28, 1961. Applicant: HARTMON TRUCKING, INC., Burkhardt, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from New Richmond, Wis., to points in Anoka, Dakota, Hennepin, Goodhue, Lac Qui Parle, Ramsey, Scott, Wabasha, and Wright Counties, Minn.

HEARING: July 27, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 119226 (Sub No. 36), filed April 7, 1961. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sequestrants*, in tank vehicles, from Waukegan, Ill., to points in Indiana, Ohio, and Wisconsin.

HEARING: July 12, 1961, at the Midland Hotel, Chicago, Ill., before Examiner J. Thomas Schneider.

No. MC 119309 (Sub No. 8), filed May 1, 1961. Applicant: RICHARD S. WATHEN, ROBERT L. WATHEN, AND JOHN H. WATHEN, a Partnership, doing business as WATHEN GRAIN COMPANY, Outer Second Street, Hen-

derson, Ky. Applicant's attorney: William M. Deep, Ohio Valley National Bank Building, Henderson, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and chemical products*; from the site of The Columbia Southern Chemical Corp., Barberton, Ohio; the site of the Dupont Company, site of Hooker Chemical Company, and site of International Minerals, Niagara Falls, N.Y.; the site of Becco Chemical Division, and site of Food Machinery Corp., Buffalo, N.Y.; the site of Solvay Process Division, and site of Allied Chemical & Dye Corp., and site of Wyandotte Chemical Company, Detroit, Mich.; the site of Tennessee Corp., Lockland, Ohio; the site of Tennessee Corp., Copperhill, Tenn.; the site of Diamond Alkali Company, Paynesville, Ohio; and the site of Atlas Powder Company, Marshall, Tex.; to Henderson, Ky., and points in Kentucky, Illinois, and Indiana, on, and within the area bounded by a line beginning at Louisville, Ky., and running south and extending along U.S. Interstate Highway 65 and U.S. Highway 31-W to Bowling Green, Ky., thence west along U.S. Highway 68 to Russellville, Hopkinsville and Paducah, Ky., thence west extending along U.S. Highway 60 to Cairo, Ill., thence directly north extending along U.S. Highway 51 to Carbondale, Ill. and U.S. Highway 460 to include Mt. Vernon, Ill., thence continuing north along U.S. Highway 51 to Vandalia, Ill., and thence east along U.S. Highway 41 through Effingham and Terre Haute, Ind., thence extending along Indiana Highway 46 through Bloomington, Ind., to Columbus, Ind., thence south and extending along U.S. Interstate Highway 65 to Seymour and New Albany, Ind., and thence to Louisville, Ky. to point of beginning, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: July 6, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Commissioner William H. Tucker.

No. MC 123095 (REPUBLICATION), filed September 26, 1960, published issue of November 23, 1960, and republished as amended this issue. Applicant: BOBBY ROSS EDDINS, doing business as EDDINS OIL COMPANY, Route No. 3, Zebulon, N.C. As originally filed, the application sought a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of fertilizer, from Norfolk, Va., to Zebulon, N.C., and points within 25 miles thereof, restricted to seasonal operations, between January 1 and July 15, inclusive of each year. At the hearing held January 26, 1961, at Raleigh, N.C., before Joint Board No. 7, composed of the Honorable E. A. Hughes, Jr., of North Carolina, and the Honorable R. Polk Gordon, Jr., of Virginia, an amendment was allowed deleting the seasonal operations. A Report and Order, served March 8, 1961, finds that applicant is fit, willing and able properly to perform the service of a *contract carrier* by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the

lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a *contract carrier* by motor vehicle over irregular routes, under continuing contracts with J. R. Fowler and Son, of Zebulon, N.C., Wakelon Fertilizer Co., of Zebulon, N.C., and Hales Farm Supply of Zebulon, N.C., of fertilizer, in bags, from Norfolk, Va., to Zebulon, N.C., and points within 25 miles thereof, except Raleigh, Smithfield, Wilson, and Louisburg, N.C. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the allowance of the amendment, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a request for further hearing.

No. MC 123179 (Sub No. 3), filed May 23, 1961. Applicant: ARROW FREIGHT LINES, INC., 727 Front Street, Chicopee, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated and wrapped, from West Springfield, Mass., and points in Massachusetts within ten (10) miles thereof, to points in Maine, on, north and east of a straight line beginning at the Port of Entry on the International Boundary line between the United States and Canada near Penobscot Lake and extending in a southeasterly direction through Bangor and Ellsworth Falls, to the shore of the Atlantic Ocean, and (2) *Furniture*, returned for repairs, uncrated, from points in Rhode Island and those in Maine on, north and east of a straight line beginning at the Port of Entry on the International Boundary line between the United States and Canada near Penobscot Lake and extending in a southeasterly direction through Bangor and Ellsworth Falls, to the shore of the Atlantic Ocean to West Springfield, Mass. and points in Massachusetts within ten (10) miles thereof.

HEARING: July 17, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Gordon M. Callow.

No. MC 123372 (Sub No. 2) (REPUBLICATION), filed January 30, 1961, published in the FEDERAL REGISTER, issue of February 15, 1961, and republished as amended this issue. Applicant: CARTAGE SERVICE, INC., 26380 Van Born, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. The application as originally filed sought authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Baked goods, from Lansing and Kalamazoo, Mich., to Watervliet, Mich., and points within three (3) miles thereof, to be rendered under a continuing contract with Schafer's Lansing Bakery, Inc., and Schafer's Kalamazoo Bakery, Inc. Applicant also has common carrier authority under MC 118594 and subs thereunder, therefore, dual operations may be involved. The application was amended by letter so as to seek authority between the above-named points, and further amended at the hearing, held April 20, 1961, at Lansing, Mich., before Joint

Board No. 76, composed of the Honorable Thomas M. Burns of Michigan. A Report and Order served May 19, 1961, finds that applicant is fit, willing, and able properly to perform the service of a *contract carrier* by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations, of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a *contract carrier* by motor vehicle, over irregular routes, under continuing contract with Schafer Bakeries, Inc., of *bakery goods* (1) between Lansing, Mich., on the one hand, and, on the other, Kalamazoo and Watervliet, Mich., and points within 3 miles of Watervliet, and (2) between Kalamazoo and Watervliet; both restricted to the transportation of traffic moving to or from Certified Grocers of Illinois, of Chicago, Ill., and that the holding by applicant of the Permit authorized to be granted herein and of a certificate of public convenience and necessity in No. MC 118594 will be consistent with the public interest and the national transportation policy. Any person or persons who may have been prejudiced by the allowance of the amendments may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123472, filed February 27, 1961. Applicant: INDUSTRIAL TRUCK RENTAL, INC., 1603 Cuba Street, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paperboard and cardboard boxes*, from Baltimore, Md., to points in North Carolina, Pennsylvania, South Carolina, the Washington, D.C., Commercial Zone, as defined by the Commission; points in New York on and east of U.S. Highway 9, and Middleton and Merriam (at or near Middletown), N.Y.; points in New Jersey on and north of New Jersey Highway 33; and points in Massachusetts on and east of Massachusetts Highways 12 and 13, and (2) *Empty skids, scrap paper, scrap paperboard, rosin size, sulphate screening, press rolls, calendar rolls, and materials used in the manufacture of paperboard*, from the above-specified destination points to Baltimore, Md.

HEARING: July 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 123515, filed March 20, 1961. Applicant: C. E. LECHLEITNER, Siren, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing*, wooden and wood slat and wire combined, from Grantsburg and Siren, Wis. and Nevis, Minn., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) *Manufactured wood products*, from Falun and Siren, Wis. and Nevis, Minn., to points in Iowa, Illinois, Kansas, Minne-

sota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; (3) *Lumber*, from saw mills or lumbering sites located at points in Minnesota on and north of Minnesota Highway 210 and U.S. Highway 210, to points in Wisconsin; and (4) *Lumber*, from saw mills or lumbering sites located at points in Wisconsin, to points in Illinois, Michigan, and Minnesota.

NOTE: Applicant holds contract authority in MC 114714 and Subs thereunder, dual operations may be involved.

HEARING: July 24, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 123517, filed March 20, 1961. Applicant: PHILIP R. BARBERA, 1435 North 12th Street, Reading, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated paper and corrugated paper boxes* knocked down, and (2) *Corrugated boxes and corrugated sheets and rolls of paper*, (a) Between York, Pa., on the one hand, and, on the other, Bridgeport, Pa., and Milltown, N.J., (b) Between Philadelphia, Pa., and Bridgeport, Pa., on the one hand, and, on the other, Milltown, N.J., and (c) from Milltown, N.J., to New York, N.Y., and *Corrugated boxes and corrugated sheets and rolls of paper*, on return.

HEARING: July 10, 1961, at the U.S. Court Rooms, Trenton, N.J., before Examiner Gordon M. Callow.

No. MC 123523 (Sub No. 2), filed May 18, 1961. Applicant: WILLIAM H. MEEK, JR., doing business as McDERMOTT TRUCKING, P.O. Box 87, Knights Landing, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, between Robbins, Calif. and points within ten (10) miles thereof, on the one hand, and, on the other, Sacramento, Stockton, Oakland, Alameda, and San Francisco, Calif.

HEARING: July 13, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123543 (SECOND CORRECTION), filed March 30, 1961, published issue of May 3, 1961, republished as corrected May 24, 1961, and again corrected and republished, this issue. Applicant: ROCCO L. FANELLI, doing business as FANELLI'S TRUCK RENTAL CO., Campion Road, New Hartford, N.Y. The previous publication showed the destination point as New Hartford, N.J., incorrectly. The correct destination point is New Hartford, NEW YORK.

HEARING: Remains as assigned June 20, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Harold P. Boss.

No. MC 123579, filed April 12, 1961. Applicant: HOWARD A. HARBOURT, doing business as HARBOURT AIR FREIGHT SERVICE, Mercer

County Airport, Box 1, West Trenton, N.J. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); between Philadelphia International Airport, Philadelphia, Pa., La Guardia Airport and International (Idlewild) Airport, Long Island, N.Y., and Newark Municipal Airport, Newark, N.J., on the one hand, and, on the other, Rocky Hill, Plainsboro, Monmouth Junction, Dayton, Cranbury, and Lambertville, N.J.; points in Mercer, and Burlington Counties, N.J., north of Rancocas Creek; and points in Bucks County, Pa., on and south and east of Pennsylvania Highway 232.

NOTE: Applicant states the proposed operations will be restricted to traffic having an immediately prior or subsequent movement by air.

HEARING: July 11, 1961, at the U.S. Court Rooms, Trenton, N.J., before Examiner Gordon M. Callow.

No. MC 123582 (Sub No. 1), filed April 25, 1961. Applicant: BRYON GRANTHAM, doing business as GRANTHAM TRUCKING SERVICE, Box 452, Roseboro, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Roseboro, N.C. and points in Sampson County, N.C., to points in South Carolina, Virginia, Maryland, and North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: July 14, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner John L. York.

No. MC 123600 (Sub No. 1), filed June 1, 1961. Applicant: RAY E. BRENNAN, 4115 East 10th Street, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products and supplies*, from Rochelle, Ill., to Des Moines, Muscatine, and Sioux City, Iowa, and Omaha and South Omaha, Nebr.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of April 26, 1961, in Motor Carrier Notice No. 374, dated April 21, 1961.

HEARING INFORMATION: The subject application was assigned for hearing June 6, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine, along with numerous applications seeking similar authority. The purpose of this late publication of the issues is to advise that any person or persons who might have been prejudiced by lack of sufficient notice prior to the hearing, may, within 30 days from the date of this publication, file a petition for further hearing.

No. MC 123612, filed April 25, 1961. Applicant: DAVID J. POL, 103 South

Warren Street, Greenville, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boats*, uncrated between Greenville, N.C., and points in the United States (excluding Alaska).

HEARING: July 14, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner John L. York.

No. MC 123623, filed April 27, 1961. Applicant: HAROLD LEE SHERMAN AND WILLIAM WILLIS BODDIE, doing business as SHERMAN AND BODDIE, 1101 College Street, Oxford, N.C., Applicant's attorney: John R. Jordan, Jr., 616 First Citizens Bank Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, supplies, and textile machinery*, between Henderson, N.C., and Barnesville, and Berryton, Ga., Chicago, and Rochelle, Ill., Mishawaka, Ind., Lowell, North Dighton, Canton, Chelsea, Hopedale, Lawrence, New Bedford, and Whitinsville, Mass., Grand Rapids, Detroit, Livonia, and Lansing, Mich., Belmont, and Laconia, N.H., Bound Brook, Beverly, Bridgeton, Groveville, Newark, Millville, Mt. Holly, Jersey City, and Perth Amboy, N.J., Baltimore, Md., High Point, Gastonia, Greensboro, and Charlotte, N.C., Livonia, Attica, Buffalo, Johnstown, Elmira, Ballston Spa, and Perry, N.Y., Cincinnati, Piqua, and Cleveland, Ohio, Philadelphia, Adamstown, Stowe, Mohrsville, Leesport, Reading, Chester, Nazareth, York, Norristown, Mohnton, Owingsburg, Pottstown, Hamburg, Macungie, Birdsboro, Allentown, Phoenixville, and Fleetwood, Pa., Central Falls, Pawtucket, and Woonsocket, R.I., Clinton, York, Jefferson, Fingerville, Greenville, Seneca, Charleston, and Clover, S.C., Chattanooga, Memphis, and Dyersburg, Tenn.; Richmond, Martinsville, and Roanoke, Va., and Delavan, Portage, Sheboygan, and Jefferson, Wis. (2) *Motor oil, anti-freeze and grease, tobacco planters and parts, agricultural machinery (including dryers and elevators, and hay balers), baler twine, pipe, dry calcium chloride (bagged), and used tractors and used agriculture implements*, between Oxford, N.C., and Atlanta, Moultrie, and Dothan, Ga., Sparrows Point, Md., New Holland, Mountville, Belleville, Philadelphia, Jones, Aliquippa, and Laughlin, Pa., Solvay, N.Y., and Norfolk, Va. (3) *Motor oil, anti-freeze and grease, tobacco planters and parts, agricultural machinery, (including hay balers, hay racks, forage harvesters, manure spreaders, 4 wheel wagons, crop dryers and elevators), and baler twine, pipe, dry calcium chloride (bagged), used tractors, and used agriculture implements*, between Louisville, N.C., and Norfolk, Va., Holland, Mich., Atlanta, Ga., New Holland, Mountville, Belleville, Philadelphia, Aliquippa, Jones, and Laughlin, Pa., Solvay, N.Y., and Dothan, and Moultrie, Ga. (4) *tobacco planters, transplanters and parts*, between Holland, Mich., and Statesville, N.C.

NOTE: The applicant states the proposed operations will be under contract with Henderson Cotton Mills, and Harlett Cotton Mills, Henderson, N.C., Morton and Sherman,

Oxford, N.C., Louisburg Tractor and Truck Company, Louisburg, N.C. and Tri State Distributors, Statesville, N.C., as shown in (1), (2), (3), and (4), above, respectively.

HEARING: July 13, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner John L. York.

No. MC 123647, filed May 8, 1961. Applicant: JOHN S. LOPES, JR., doing business as LOPES TRUCKING SERVICE, 470 Second Street, Gustine, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, and empty containers or other such incidental facilities* (not specified) used in transporting the specified commodity, between points in California north of San Luis Obispo, Kern, and San Bernardino Counties, Calif., and (2) *feathermeal*, from points in Merced and Stanislaus Counties, Calif., to San Francisco, Oakland, and Stockton, Calif., and *empty containers or other such incidental facilities* (not specified) used in transporting the specified commodity, on return.

HEARING: July 13, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123662, filed May 12, 1961. Applicant: RICHARD F. JOHNSON, Route 28, Box 152, Bass River (in town of Yarmouth), Mass. Applicant's attorney: Francis P. Barrett, 25 Bryant Avenue, East Milton 86, (Boston), Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cedar fence* (knocked down and set up), and (2) *wooden posts, rails and pickets*, from Unity, Maine to points in Massachusetts, Rhode Island, and Connecticut, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with Milmac Incorporated, Unity, Maine.

HEARING: July 21, 1961, at the New Post Office and Court House Building, Boston, Mass., before Examiner Gordon M. Callow.

No. MC 123669, filed May 17, 1961. Applicant: SILVER TRUCK, INC., 800 Oakland Place, Austin, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated shipping containers, corrugated sheets, corrugated partitions, and corrugated parts thereof*, and (2) *rejected and defective materials*, of the commodities specified, between Austin, Minn., and points in Wisconsin, Iowa, North Dakota, and South Dakota.

HEARING: July 28, 1961, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 123671, filed May 17, 1961. Applicant: LOUIS APRIL, doing business as APRIL TRANSPORT, 2215 Du-

fresne Street, Montreal, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from Ports of Entry on the International Boundary Line between the United States and Canada, at or near Champlain, N.Y., to points in New York, Maine, New Hampshire, and Vermont.

NOTE: Applicant states traffic will originate in the Province of Quebec, Canada.

HEARING: July 12, 1961, at the Federal Building, Albany, N.Y., before Examiner Charles J. Murphy.

No. MC 123672, filed May 17, 1961. Applicant: J. KENNETH BROTZ, 26 Howard Street, Silver Creek, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, from Buffalo, N.Y., to Holyoke and Boston, Mass., and Toledo, Ohio; and (2) *returned, refused, and rejected shipments of Bakery Goods, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from Holyoke and Boston, Mass., and Toledo, Ohio to Buffalo, N.Y.; and (A) *Bakery products*, and (B) *returned, refused, and rejected shipments of Bakery Goods and empty containers*, between Buffalo, N.Y., and Detroit, Mich.

HEARING: July 24, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Charles J. Murphy.

MOTOR CARRIERS OF PASSENGERS

No. MC 668 (Sub No. 73), filed May 17, 1961. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Rochelle Park, N.J. and New York, N.Y.; from Passaic Street at the Paramus-Rochelle Park Municipal Line, thence over Passaic Street in Paramus and Maywood to the junction of Passaic Street and the Esplanade in Maywood, N.J., thence over the Esplanade to the junction of the Esplanade and Central Avenue in Maywood, thence over Central Avenue in Maywood and Hackensack, N.J. to the junction of Central Avenue and Summit Avenue in Hackensack, thence over Summit Avenue to the junction of Summit Avenue and New Jersey Highway 17 entrance ramp in Hackensack, thence over the entrance ramp of New Jersey Highway 17 and over New Jersey Highway 17 to the junction of New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 to junction Depressed Highway, thence over the Depressed Highway and the Lincoln Tunnel approaches, through the Lincoln Tunnel to New York, and return over the same route including the exit ramp from New Jersey Highway 17 to Summit Avenue,

serving all intermediate points except as shown in restriction below; and (2) between Lodi, N.J. and New York, N.Y.; from the junction of Rochelle Avenue, Market Street and Essex Street in Lodi, thence over Essex Street to the junction of Essex Street and Summit Avenue in Hackensack, N.J., thence over Summit Avenue to the junction of Summit Avenue and New Jersey Highway 17 entrance ramp in Hackensack, thence over the entrance ramp of New Jersey Highway 17 and New Jersey Highway 17 to the junction of New Jersey Highway 3 in Rutherford, N.J., thence over New Jersey Highway 3 to junction Depressed Highway, thence over the Depressed Highway and the Lincoln Tunnel approaches, through the Lincoln Tunnel to New York, and return over the same route including the exit ramp from New Jersey Highway 17 to Summit Avenue, serving all intermediate points except as shown in restriction below. **RESTRICTION:** No service will be provided at intermediate points south of the junction of New Jersey Highway 17 and Summit Avenue in Hackensack, N.J. in connection with (1) and (2) above.

HEARING: July 31, 1961, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 3.

No. MC 52980 (Sub No. 13), filed March 30, 1961. Applicant: ROYAL BLUE COACHES, INC., Clinton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Ringoes, N.J., and New Hope, Pa.; from Ringoes over U.S. Highway 202 to New Hope, Pa., and return over the same route, serving all intermediate points.

NOTE: Applicant states that its officers and stockholders are affiliated with and in control of Paterson Suburban Bus Corp., operating under Certificate MC 94624.

HEARING: July 13, 1961, at the U.S. Court Rooms, Trenton, N.J., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 84655 (Sub No. 5), filed April 18, 1961. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a Corporation, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: ROGER S. BESSEY, 828 North Broadway, Milwaukee 2, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, and express*, in the same vehicle with passengers, between Rhinelander, Wis., and Land O'Lakes, Wis., as follows: from Rhinelander over Wisconsin Highway 17 to junction Oneida County Highway "A", thence over Oneida County Highway "A" to Three Lakes, Wis., thence over U.S. Highway 45 to junction Vilas County Highway "B", thence over Vilas County Highway "B" to Land O'Lakes, and return over the same route, serving the intermediate points of Three Lakes, Clearwater Lake, Eagle River, and Conover, Wis.

NOTE: Applicant states that the purpose of the instant application is to obtain authority to operate over a different route between Rhinelander, Wis., and Land O'Lakes, Wis., and to also gain authority to abandon the route presently authorized as might be inconsistent herewith. Applicant also has common carrier authority of property under MC 42614 and Subs thereunder.

HEARING: July 17, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Joint Board No. 96, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 87328 (Sub No. 6), filed May 9, 1961. Applicant: JOHNSON BUS LINES, INC., 76 East Main Street, Milford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, with their baggage in the same vehicle, in special operations, for the purpose of participating in Beano and Bingo games, beginning and ending at Framingham, Holliston, Medway, Marlboro, Southboro, Hopkinton, Milford, Mendon, Bellingham, and Franklin, Mass., and extending to Manville, and Central Falls, R.I.

HEARING: July 21, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 94742 (Sub No. 16), filed May 15, 1961. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round trip operations, for the purpose of participating in Bingo games, beginning and ending at Salem, Gloucester, Essex, Ipswich, Manchester, Beverly, Marblehead, Lynn, Swampscott, Peabody, Danvers and Middleton, Mass., and extending to Seabrook, Exeter, and Newmarket, N.H.

HEARING: July 20, 1961, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 119882 (Sub No. 1), filed May 16, 1961. Applicant: CAPITAL FRONTIER COACH LINE, INC., 1122 19th Street NW., Washington, D.C. Applicant's attorney: Arthur M. Wagman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, mail, express, newspapers, and baggage of passengers*, in the same vehicle with passengers, between Washington, D.C. and Prince Frederick, Md.; from Washington over Maryland Highway 5 to junction Maryland Highway 381 (formerly Maryland Highway 5), thence over Maryland Highway 381 to junction Old Alexandria Ferry Road (also known as Waterloo Road) at or near Clinton, Md., thence over Old Alexandria Ferry Road to junction Woodyard Road at Coles Corner, Md., thence over Woodyard Road to junction Dower House Road, thence over Dower House Road to junction U.S. Highway 301, thence over U.S. Highway 301 through Gwynn Park, Md. to junction

Maryland county road known as Missouri Avenue, thence over Missouri Avenue to junction Maryland Highway 381 at Brandywine, Md., thence over Maryland Highway 381 to junction Maryland Highway 231, thence over Maryland Highway 231 to Benedict, Md., thence over Maryland Highway 231 to Prince Frederick, and return over the same route, serving all intermediate points except those on Maryland Highways 5 and 381 between Washington, D.C., and junction Maryland Highway 381 and Old Alexandria Ferry Road at or near Clinton, Md., and except those on U.S. Highway 301 between junction U.S. Highway 301 and Dower House Road and Maryland county road known as Missouri Avenue, and except the junction points described immediately above on Maryland Highway 381 and U.S. Highway 301.

HEARING: July 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

No. MC 123126 (Sub No. 1), filed May 4, 1961. Applicant: GURNIE L. BLUNT, doing business as BLUNT'S BUS LINE, 309 Roosevelt Street, Franklin, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Greensville, Nansemond, Sussex, Isle of Wight and Southampton Counties, Va., and extending to points in North Carolina, Philadelphia, Pa., New York, N.Y., and Washington, D.C.

HEARING: July 12, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner John L. York.

No. MC 123128 (Sub No. 1), filed May 15, 1961. Applicant: THE HATOM CORPORATION, 520 West Avenue, Norwalk, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, having an immediately prior or subsequent movement by aircraft, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof, between Danbury, Wilton, and Ridgefield, Conn., on the one hand, and, on the other, La Guardia and Idlewild Airports, Long Island, N.Y.

HEARING: July 18, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Gordon M. Callow.

No. MC 123577 (Sub No. 2), filed May 17, 1961. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between East Rutherford and Rutherford, N.J.; from junction of Paterson Plank Road and

New Jersey Highway 17 in East Rutherford, over New Jersey Highway 17 to the junction of New Jersey Highway 17 and New Jersey Highway 3 in Rutherford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states that in order that this route may be segmented to applicant's existing route in East Rutherford at the junction of Paterson Plank Road and New Jersey Highway 17, and in Rutherford at the junction of New Jersey Highway 17 and New Jersey Highway 3, it requests that the restriction at such junction points be lifted for purposes of joinder only. The extension of route proposed herein is for operating convenience only. No passengers will be picked up or discharged on such route.

HEARING: July 7, 1961, at the State Office Building, Room 212, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119.

No. MC 123587, filed April 17, 1961. Applicant: M. L. HOSCHEK, doing business as PENN VALLEY TRANSIT 3-A Highway 69, Pennington (Mercer County), N.J. Applicant's attorney: Isaac Garb, 20 North Pennsylvania Avenue, Morrisville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express* in the same vehicle with passengers, between Levittown, Pa. and Mercer County Airport, Ewing Township, N.J.; from Levittown Shopping Center over Limited Access Highway 13 to Pennsylvania highway known as Yardley Road, thence over Yardley Road to the new Yardley Bridge, thence over the new Yardley Bridge to New Jersey Highway 29, thence over New Jersey Highway 29 to West Upper Ferry Road, thence over West Upper Ferry Road to Parkway Avenue, thence over Parkway Avenue to Scotch Road, thence over Scotch Road to Airport Access Road, thence over Airport Access Road to Mercer County Airport, and return over the same route, serving all intermediate points.

HEARING: July 12, 1961, at the U.S. Court Rooms, Trenton, N.J., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 123655, filed May 10, 1961. Applicant: SOUTHERN TIER STAGES, INC., 375 State Street, Binghamton, N.Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor, Weiler Building 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, express and baggage of passengers* in the same vehicle with passengers, between Binghamton, N.Y. and Montrose, Pa.; from Binghamton over New York Highway 7 to intersection of Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to Montrose, Pa., and return over the same route, serving the intermediate points of Conklin, N.Y., Franklin Township, Bridgewater Township, and Liberty Township, Pa.

HEARING: July 17, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Charles J. Murphy.

APPLICATION FOR BROKERAGE LICENSE
MOTOR CARRIER OF PASSENGERS

No. MC 12754, filed May 17, 1961. Applicant: BENJAMIN SLAVEN, 37 Linview Terrace, Buffalo, N.Y. Applicant's attorney: William C. Arrison, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *Broker* (BMC 5), at Buffalo, N.Y., in arranging for the transportation in interstate or foreign commerce by motor vehicle of: *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in special and charter operations (for pleasure, education and entertainment purposes), beginning and ending at points in Erie, Niagara, Orleans, Genesee, and Wyoming Counties, N.Y., and extending to points in the United States.

HEARING: July 25, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Charles J. Murphy.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub No. 106), filed May 25, 1961. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, P.O. Box 10837, Dallas 7, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 10837, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except household goods) between Mount Pleasant, Tex., and Texarkana, Tex., on the one hand, and, on the other, the plant site of the Shell Oil Company Gas Plant located approximately four miles east of Bryans Mill, Tex., (near Lake Texarkana) as follows: from Mount Pleasant, and Texarkana, over U.S. Highway 67 to Naples; thence over Texas Highway 77 to intersection with Texas Farm to Market Road No. 1766; thence over Texas Farm to Market Road No. 1766 to Bryans Mill, and thence over unnumbered county roads to the plant site of the Shell Oil Company Gas Plant located approximately four miles east of Bryans Mill; and return over the same routes serving no intermediate points.

No. MC 20894 (Sub No. 5), filed May 25, 1961. Applicant: P. CALLAHAN, INC., 2126 East Tioga Street, Philadelphia 34, Pa. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); between the site of the R. T. French Company plant at Souder-ton, Pa., and Philadelphia, Pa.

NOTE: Applicant holds contract carrier authority in MC 119140 and Subs thereunder, therefore, dual operations may be involved.

No. MC 104678 (Sub No. 4), filed May 26, 1961. Applicant: BROWNIE'S SERVICE, INC., 529 Jones Avenue, Oak Hill,

W. Va. Applicant's attorney: Pat R. Hamilton, Hamilton Arcade Building, Oak Hill, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment incidental to or used in connection with the construction, development, maintenance and operation of coal mines*, from the plant site of the Long-Airdox Co. in Oak Hill, W. Va., to mine sites in Pennsylvania, Kentucky, Virginia, Ohio, Tennessee, Alabama, Indiana, Illinois, and Maryland, and to the shipper's warehouses at Evansville, Ind. and Benton, Ill., and the above specified commodities when transported for repair, overhauling, trade-in or substitution, on return.

No. MC 112020 (Sub No. 121), filed May 26, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Indiana, Ohio, and Michigan.

NOTE: Applicant states that it is owned by Commercial Oil Transport of Oklahoma, Inc., therefore common control may be involved.

MOTOR CARRIER FOR PASSENGERS

No. MC 13300 (Sub No. 70), filed May 22, 1961. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Express* in same vehicle with passengers; (a) Between Richmond, Va., and junction North Carolina Highway 43 and U.S. Highway 258; from Richmond over combined U.S. Highways 1 and 301 to Petersburg, Va., thence over U.S. Highway 301 to and over North Carolina Highway 48 to Roanoke Rapids, N.C., thence over U.S. Highway 158 to Weldon, N.C., thence over U.S. Highway 301 to Rocky Mount, N.C., thence over North Carolina Highway 43 to junction U.S. Highway 258, and return over the same route, serving all intermediate points. (b) Between Snow Hill, N.C. and Jacksonville, N.C.; from Snow Hill over U.S. Highway 258 to Jacksonville, and return over the same route, serving all intermediate points. (c) Between Rich Square, N.C. and Woodland, N.C.; from Rich Square over U.S. Highway 258 to Woodland, and return over the same route, serving all intermediate points. (d) Between Conway, N.C. and Murfreesboro, N.C.; from Conway over U.S. Highway 158 to Murfreesboro, and return over the same route, serving all intermediate points. (e) Between Leggett, N.C. and Lawrence N.C.; from Leggett over North Carolina Highway 97 to Lawrence, and return over the same route, serving all intermediate points. (f) Between Suffolk, Va. and Hopewell, Va.; from Suffolk over combined Virginia Highway 10 and 32 to Benns Church, Va., thence over combined Virginia Highway 10 and U.S. Highway 258

to Smithfield, Va., thence over Virginia Highway 10 to Hopewell, and return over the same route, serving all intermediate points. (g) Between Cape Charles Va. and Salisbury, Md.; from Cape Charles over Virginia Highway 184 to Bayview, Va. thence over U.S. Highway 13 to Salisbury, and return over the same route, serving all intermediate points. (2) *Express and newspapers* in the same vehicle with passengers; (a) Between Raleigh, N.C. and Conway, N.C.; from Raleigh over U.S. Highway 401 to Warrenton, N.C., thence over U.S. Highway 158A to Macon, N.C., thence over U.S. Highway 158 through Roanoke Rapids, N.C. to Conway, and return over the same route, serving all intermediate points. (b) Between Norfolk, Va. and Virginia Beach, Va.; from Norfolk over U.S. Highway 58 to Virginia Beach, and return over the same route, serving no intermediate points (also from Norfolk over Virginia Highway 166 to and over U.S. Highway 60 to Virginia Beach, and return over the same route, serving all intermediate points). (c) Between Diamond Springs, Va. and Little Creek Ferry, Va.; from Diamond Springs over U.S. Highway 13 to Little Creek Ferry, and return over the same route, serving all intermediate points. (d) Between Chesapeake Beach, Va. and Norfolk, Va.; from Chesapeake Beach over Virginia Highway 651 to and over U.S. Highway 60 to Norfolk, and return over the same route, serving all intermediate points.

NOTE: (1) Applicant states it currently holds authority to transport "passengers and their baggage and newspapers" over the routes described in (1) above, and "passengers and their baggage" over the routes described in (2) above. (2) Common control may be involved.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12367 (Sub No. 1), (CORRECTION), filed May 2, 1961, published issue of May 24, 1961, and republished as corrected, this issue. Applicant: CON-COURSE TOURS, INC., 2438 Grand Concourse, New York 58, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. For a license (BMC 5) to engage in operations as a *broker* at points in Nassau, Suffolk and Westchester Counties, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip special and charter all-expense conducted sightseeing and pleasure tours, between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in the United States.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2229 (Sub No. 105), filed May 24, 1961. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard (P.O. Box 10837), Dallas 7, Tex. Applicant's attorney: Charles D. Ma-

thews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives* (but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Pueblo, Colo., and the plant site of Triplex Manufacturing Plant, located approximately five (5) miles east of Pueblo, Colo., from Pueblo over U.S. Highway 50 to the intersection of unnumbered highways, thence over such unnumbered highways to said plant site, using any and all access roads to said plant site, and return over the same route, serving no intermediate points; and (2) serving Pueblo, Colo., and points within three and one-half miles of Pueblo, as intermediate and off-route points in connection with applicant's authorized regular route operations.

NOTE: This application is directly related to MC-F 7873.

No. MC 78643 (Sub No. 46), filed May 25, 1961. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland Street, St. Paul 13, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, *Classes A and B explosives*, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Minneapolis-St. Paul, Minn. and Duluth, Minn.; (1) from Minneapolis-St. Paul over U.S. Highway 61 to Duluth, and return over the same route, serving all intermediate points except as shown in restriction below. (2) From St. Paul, Minn., over U.S. Highway 61 to Sandstone, Minn., thence over Minnesota Highway 23 to Duluth, and return over the same route, serving all intermediate points except those on Minnesota Highway 23 between Sandstone and Duluth, and except as shown in restriction below. (3) From Minneapolis, Minn., over U.S. Highway 8 to its junction with U.S. Highway 61, thence over U.S. Highway 61 (or U.S. Highway 61 and Minnesota Highway 23) to Duluth, and return over the same route, serving all intermediate points except those on Minnesota Highway 23 between Sandstone and Duluth and except as shown in restriction below. RESTRICTION: No service to be performed northbound from Minneapolis-St. Paul to Forest Lake and Wyoming, Minn., or any intermediate point, and no service southbound from Duluth to Carlton, Minn., or any intermediate point.

NOTE: Directly related to MC-F-7875.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections

5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7021 (TAMIAMI TRAIL TOURS, INC.—CONTROL AND MERGER—BENTON RAPID EXPRESS), published in the October 29, 1958, issue of the FEDERAL REGISTER on page 8379. Request for amendment filed May 31, 1961, concurrently with petition for reconsideration of the report and order of March 17, 1961, by Division 4, and for reopening of the proceedings, embracing Finance Docket No. 20379, for TAMIAMI TRAIL TOURS, INC., to control BENTON RAPID EXPRESS through the purchase and ownership of all of its outstanding capital stock, which will cause BENTON RAPID EXPRESS to become a wholly owned subsidiary of TAMIAMI TRAIL TOURS, INC., in lieu of control and merger. Application filed May 31, 1961, for temporary authority under section 210a(b).

No. MC-F 7873 (correction) RED BALL MOTOR FREIGHT, INC.—PURCHASE—CENTENNIAL TRUCK LINES, INC. (ROBERT W. CADDES, TRUSTEE); FREDERIC A BETHKE—PURCHASE (PORTION)—RED BALL MOTOR FREIGHT, INC., published in the June 1, 1961, issue of the FEDERAL REGISTER. The authority under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, as more fully described in Docket No. MC-116704 Sub-5 was inadvertently included in the operating rights sought to be transferred.

No. MC-F 7875. Authority sought for purchase by HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn., of the operating rights and property of LAKE SUPERIOR MOTOR FREIGHT, INC., 1731 South Street, Duluth, Minn., and for acquisition by GEORGE HART, 2417 North Cleveland, St. Paul 13, Minn., of control of such rights and property through the purchase. Applicants' attorneys: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn., and Charles E. Nieman, 1160 NW. Bank Building, Minneapolis 2, Minn. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the transportation of property as a *common carrier* over regular routes in the State of Minnesota, more fully described in Docket No. MC-98738. Vendee is authorized to operate as a *common carrier* in Illinois, Minnesota, Wisconsin, Montana, North Dakota, South Dakota, Iowa, Ohio, and Nebraska. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-78643 Sub-46 is a matter directly related.

No. MC-F-7876. Authority sought for purchase by HOWARD TERMINAL, 75 Market Street, Oakland, Calif., of the operating rights and property of VERNON WOODS, doing business as WOODS TRUCK LINE, P.O. Box 334, Grass Valley, Calif., and for acquisition by CHARLES P. HOWARD, PETER HOWARD, BRUCE HOWARD, HARMON HOWARD, HENRY S. HOWARD,

MRS. JOHN L. HOWARD, and MRS. SIDNEY HOWARD, all of 75 Market Street, Oakland, Calif., of control of such rights and property through the purchase. Applicant's attorney: William W. Schwarzer, 351 California Street, San Francisco, 4, Calif. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California as more specifically described in Docket No. MC-98385. Vendee is authorized to operate as a *common carrier* in the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7877. Authority sought for purchase by GRANT COWIE, doing business as FASTEST WAY MOTOR FREIGHT, North 15 Grant Street, Spokane, Wash., of the operating rights and certain property of 3 Y MOTOR FREIGHT, INC., East 2110 Broadway, Spokane, Wash. Applicant's representative: Grant Cowie, North 15 Grant Street, Spokane 2, Wash. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Spokane, Wash., and Newport, Wash., serving the intermediate and off-route points of Mead, Colbert, Chattaroy, Milan, Elk, Camden, Westbranch, Diamond Lake, Penrith, 3-Y Service, and Scotia, Wash. Vendee holds no authority from this Commission. However, he is affiliated with WALLACE-COLVILLE AUTO FREIGHT, INC., North 15 Grant Street, Spokane, Wash., which is authorized to operate as a *common carrier* in Washington and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7878. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich., of a portion of the operating rights of TERRY TRUCKING SERVICE, INC., P.O. Box 502, Ottawa, Ill., and for acquisition by BERT GLUPKER, LOUIS CAIN, BRUCE GLUPKER, all of 200 Colrain Street SW., Grand Rapids, Mich., DOROTHY PERKINS, 640 South Pine Street, Arlington Heights, Ill., and MARILYN DE VREE, 7666 Chickadee Drive, Jenison, Mich., of control of such rights through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *Building materials*, as a *common carrier* over irregular routes, from Chicago Heights, Ill., to points in Indiana within 60 miles of Chicago Heights. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Ohio, Indiana, Iowa, Wisconsin, Minnesota, Missouri, West Virginia, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7879. Authority sought for purchase by KATO THEATRE SERVICE, INC., R.R. 3 (P.O. Box 291), Elizabethtown, Ky., of a portion of the operating rights of W. C. SMITH, doing business as INDIANA FILM TRANSIT COMPANY, 4320 West Morris Street, Indianapolis, Ind., and for acquisition by

JAMES R. MAYS AND LANDIS R. MAYS, both of R.R. 3, Elizabethtown, Ky., of control of such rights through the purchase. Applicants' attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Motion picture film, theatre equipment, supplies and accessories*, as a *common carrier* over irregular routes, between Indianapolis, Ind., on the one hand, and, on the other Spencer and Perry Counties, Ind. Vendee is authorized to operate as a *common carrier* in Indiana and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7880. Authority sought for purchase by DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 1420 18th Street, Denver 2, Colo., of the operating rights and certain property of KANSAS INTERMOUNTAIN TRUCK LINE, INC., Tribune, Kans., and for acquisition by HENRY S. ORENDER, 1420 18th Street, Denver 2, Colo., of control of such rights and property through the purchase. Applicants' representative: Henry S. Orender, President, Denver-Limon-Burlington Transfer Company, 1420 18th Street, Denver 2, Colo. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act, in the State of Kansas, as more specifically described in Docket No. MC-120450. Vendee is authorized to operate as a *common carrier* in Kansas and Colorado. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7881. Authority sought for purchase by INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn., of a portion of the operating rights and certain property of CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., and for acquisition by LESTER A. WILSEY, 1947 West County Road C, St. Paul 13, Minn., of control of such rights and property through the purchase. Applicants' attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Brown, Calumet, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Manitowoc, Marinette, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waushara, Winnebago, and Wood Counties, Wis., points in Menominee County, Mich.; and the point of Sayner, Wis. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Iowa, South Dakota, North Dakota, Montana, Wyoming, Nebraska, Missouri, Indiana, Michigan, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7882. Authority sought for control by CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex.,

of INLAND MOTOR FREIGHT LINES, INC., 2020 North Alameda, Corpus Christi, Tex., and for acquisition by W. W. CALLAN, 1401 Columbus, Waco, Tex., of control of INLAND MOTOR FREIGHT LINES, INC., through acquisition by CENTRAL FREIGHT LINES, INC. Applicants' attorney and representative respectively: W. E. Cureton, Eighth Floor Liberty Building, Waco, Tex., and R. H. Linam, 303 South 12th Street, Waco, Tex. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Houston, Tex., and Cuero, Tex.; between Cuero, Tex., and Gonzales, Tex.; between Victoria, Tex., and Port Lavaca, Tex.; between Cuero, Tex., and Kenedy, Tex.; between Victoria, Tex., and Seadrift, Tex.; between Victoria, Tex., and Sinton, Tex.; between Luling, Tex., and Austin, Tex.; between Luling, Tex., and San Marcos, Tex.; between Lockhart, Tex., and Martindale, Tex.; between San Antonio, Tex., and Austin, Tex.; between San Antonio, Tex., and Corpus Christi, Tex.; between Corpus Christi, Tex., and Arkansas Pass, Tex.; between Corpus Christi, Tex., and Sinton, Tex.; between Corpus Christi, Tex., and Hebbronville, Tex.; between Corpus Christi, Tex., and Falfurrias, Tex.; between Mission, Tex., and Brownsville, Tex.; between San Manuel, Tex., and Harlingen, Tex., serving all intermediate points and certain off-route points over the above described routes; between San Antonio, Tex., and Pharr, Tex., serving certain intermediate points, between Harlingen, Tex., and the U.S. Air Corps Gunnery School, near Rio Hondo, Tex., serving no intermediate points; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Riviera, Tex., and Raymondville, Tex., serving no intermediate points; between Edinburg, Tex., and Mission, Tex., serving all intermediate points and the off-route point of Moore Field, Tex. CENTRAL FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7883. Authority sought for control by THE JACOBS TRANSFER COMPANY, INCORPORATED, 61 Pierce Street NE., Washington 2, D.C., of POWELL TRANSPORTATION CO., INC., 5110 Buchanan Street, Hyattsville, Md., and for acquisition by HARRY L. GRUBBS, JR., 7037 Wyndale Street, Washington, D.C., of control of POWELL TRANSPORTATION CO., INC., through acquisition of THE JACOBS TRANSFER COMPANY, INCORPORATED. Applicants' attorney and representative respectively: David G. Macdonald, 403 Commonwealth Building, Washington 6, D.C., and Hugh M. Steinberger, president, The Jacobs Transfer Company, Incorporated, 61 Pierce Street NE., Washington 2, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular

route between Washington, D.C., and New York, N.Y., serving all intermediate points, and the off-route points of Norristown, Pa., and those within five miles of Baltimore, Md., *seaweed, kelp, and moss*, over irregular routes, from Toms River, N.J., and points within 10 miles of Toms River, to Washington, D.C. THE JACOBS TRANSFER COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in Maryland, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-5245; Filed, June 6, 1961;
8:48 a.m.]

[Notice 504]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64106. By order of May 31, 1961, the Transfer Board approved the transfer to Service Storage, Inc., Rochester, N.Y., of Certificate No. MC 75480, issued May 26, 1942, to Fred C. West, doing business as Service Storage Company, Rochester, N.Y., authorizing the transportation of: Household goods, between points in New York, on the one hand, and, on the other, points in Connecticut, Maryland, New Jersey, New York, Pennsylvania, Kentucky, Tennessee, Massachusetts, New Hampshire, Michigan, Vermont, Illinois, Ohio, Virginia, and the District of Columbia. Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y., attorney for applicants.

No. MC-FC 64117. By order of May 31, 1961, the Transfer Board approved the transfer to Earl Blair, doing business as Blair Transfer and Storage, 613 W. Main St., Morehead, Ky., of Certificate No. MC 115941, issued December 16, 1957, to Willard Calvert and Oscar Calvert, doing business as Calvert Bros. Transfer, 102 Trumbo Ave., Morehead, Ky., authorizing the transportation of: Household goods, from points in Rowan County, Ky., to points in Ohio, West Virginia, Indiana, and Michigan.

No. MC-FC 64121. By order of May 31, 1961, the Transfer Board approved the transfer to Raynold F. Promes, Wynot, Nebr., of Certificate No. MC 88642, issued

October 14, 1959, to Otto Arens, Wynot, Nebr., authorizing the transportation of: Livestock, grain, hay, and empty petroleum containers, from points in Cedar and Dixon Counties, Nebr., to Yankton, S. Dak., and Sioux City, Iowa; commercial feed, machinery, coal, lumber, and oil, in containers, from Yankton, S. Dak., and Sioux City, Iowa, to points in Cedar County, Nebr.; emigrant movables, from points in Cedar and Dixon Counties, Nebr., to points in Iowa and South Dakota; and seed corn, from Sioux City and Des Moines, Iowa to points in Cedar County, Nebr. Phyllis M. Verzani, Box 194, Ponca, Nebr., attorney for applicants.

No. MC-FC 64205. By order of May 31, 1961, the Transfer Board approved the transfer to Thurston E. Browne, doing business as Waterville Express, Waterville, N.Y., of Certificate No. MC 107472, issued August 27, 1959, to William H. Cowen, doing business as Waterville Express, Waterville, N.Y., authorizing the transportation of general commodities, excluding household goods, and commodities in bulk, between Utica, N.Y., and Sangerfield, N.Y., serving all intermediate points. Richard S. Woodman, C. & U. Telephone Bldg., Waterville, N.Y., attorney for applicants.

No. MC-FC 64221. By order of May 31, 1961, the Transfer Board approved the transfer to Howard Duncan, doing business as Duncan Truck Line, Brunswick, Missouri, of a Certificate in No. MC 87283, issued July 15, 1960, to Wayne Fletcher, doing business as Fletcher Truck Line, Brunswick, Missouri, which authorizes the transportation of feed, livestock, and household goods, from, to, and between specified points in Kansas, Missouri, Illinois, and Iowa.

No. MC-FC 64222. By order of May 31, 1961, the Transfer Board approved the transfer to Wildon A. Dague, Earl R. Reeves, and Okey W. Barney, a partnership, doing business as Okey W. Barney Co., R. D. 2, Box 130, Triadelphia, West Virginia, of Certificate in No. MC 106884, issued June 11, 1954, to Okey W. Barney, R. D. 2, Box 130, Triadelphia, West Virginia, authorizing the transportation of: Coal, from points in Ohio County, W. Va., to points in Greene and Washington Counties, Pa.; concrete blocks, from points in Ohio County, W. Va., and those in Marshall County (except Benwood), W. Va., to points in Greene and Washington Counties, Pa.; rejected shipments of the above-specified commodities, from the above-specified destination points to their respective origin points; road building equipment, between Martins Ferry, Ohio, and Benwood, W. Va., on the one hand, and, on the other, points in Belmont and Jefferson Counties, Ohio, and those in Brooke, Marshall, Ohio, Tyler, and Wetzel Counties, W. Va.; such commodities as are usually transported in dump trucks, including road and building materials, between points in Belmont and Jefferson Counties, Ohio, Allegheny and Washington Counties, Pa., and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.; such commodities as are transported in dump trucks and can be unloaded by dumping, between points

in Belmont, Harrison, Jefferson, Monroe, and Columbiana Counties, Ohio; between points in Belmont, Harrison, Jefferson, and Monroe Counties, Ohio, on the one hand, and, on the other, points in Brooke, Hancock, Marshall, Ohio and Wetzel Counties, W. Va.; between Martins Ferry, Ohio, on the one hand, and, on the other, points in Belmont and Jefferson Counties, Ohio, and Tyler County, W. Va.; between Benwood, W. Va., on the one hand, and, on the other, points in Brooke, Marshall, Ohio, Tyler, and Wetzel Counties, W. Va.; from Martins Ferry, Ohio, and Weirton and Benwood, W. Va.; to points in Greene and Washington Counties, Pa.; from Weirton and Benwood, W. Va., to points in Columbiana County, Ohio.

No. MC-FC 64226. By order of May 31, 1961, the Transfer Board approved the transfer to Paul Geisz, doing business as Paul's Mobile Service, St. Louis, Mo., of Certificate in No. MC 96012, issued April 1, 1960, to Marvin Crowell, doing business as Marv's Service, St. Louis, Mo., authorizing the transportation of: Damaged, wrecked, disabled or repossessed motor vehicles, empty or loaded in towaway service, between points in Illinois, on the one hand, and, on the other, points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo., attorney for applicants.

No. MC-FC 64230. By order of May 31, 1961, the Transfer Board approved the transfer to Alexandria Trucking Co., Inc., Alexandria, Va., of a portion of Certificate No. MC 33561, issued March 24, 1958, to Motor Carrier Corporation, Baltimore, Md., authorizing the transportation of general commodities, excluding household goods, over regular route, between Front Royal, Va., and Washington, D.C., serving the intermediate and off-route points within two miles of Front Royal, Va., and the off-route points of Sperryville, Washington, Flint Hill, and Riverton, Va.; and general commodities, excluding household goods and commodities in bulk, over irregular routes, between Front Royal, Va., on the one hand, and, on the other, points in that part of Virginia within 25 miles of Front Royal. Rice, Carpenter and Carraway, attorneys for applicants, 618 Perpetual Building, Washington, D.C.

No. MC-FC 64233. By order of May 31, 1961, the Transfer Board approved the transfer to Lewis Truck Lines, Incorporated, Conway, South Carolina, of Certificates in Nos. MC 89617, MC 89617 Sub 2, MC 89617 Sub 6, MC 89617 Sub 8, and MC 89617 Sub 12, issued March 9, 1942, September 11, 1942, January 29, 1958, October 13, 1949, and July 2, 1956, respectively, to Freeman A. Lewis, doing business as Lewis Truck Lines, Conway, South Carolina, which authorize the transportation of specific commodities, from, to, and between specified points in North Carolina, South Carolina, Pennsylvania, Georgia, Maryland, Virginia, Delaware, New Jersey, and the District of Columbia, and general commodities, except household goods, commodities in bulk, and specified commodities, from

points in Georgia to points in Horry County, S.C.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5246; Filed, June 6, 1961; 8:48 a.m.]

[Notice 5]

APPLICATIONS FOR "GRANDFATHER" ALASKA CERTIFICATE OR PERMIT AND HAWAII FREIGHT FORWARDER PERMIT

JUNE 2, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), 209(a)(5), 309(a), 309(f), 410(a)(2), and 410(a)(3) of the Interstate Commerce Act, as amended July 12, 1960.

Section 1.243 of the Commission's special rules of practice have been amended to cover "grandfather" applications filed under the July 12, 1960, amendments.

Protests to the granting of an application must be filed with the Commission within 75 days of this publication in the FEDERAL REGISTER. A copy of the protest must be served on applicant's representative or an applicant if no practitioner represents him. The Special Rules provide further that failure to file a timely protest will be construed as a waiver of opposition and participation in the proceeding.

MOTOR CARRIER ALASKA "GRANDFATHER" RIGHTS

No. MC 123326, filed December 27, 1960, published issue March 8, 1961, republished as corrected as to name of applicant this issue. Applicant: TOIVO J. ROSANDER AND MIRIAM E. ROSANDER, a partnership, doing business as ROSANDER & REED, Ophir, Alaska. The purpose of this republication is to show the applicant's correct name which was erroneously shown in previous publication.

FREIGHT FORWARDER "GRANDFATHER" PERMIT—HAWAII

No. FF 277 (CORRECTION), filed December 29, 1960, published issue of March 8, 1961, and republished as corrected, this issue. Applicant: PACIFIC FREIGHT FORWARDING CO., 760 South Mission Road, Los Angeles 23, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to continue to operate as a *freight forwarder*, under the applicable "grandfather" provisions of the Interstate Commerce Act, to continue service in arranging for the transportation of, *General commodities*, from, to or between points in Hawaii and points in the United States and between points in Hawaii as follows: (1) Between points in Los Angeles, Orange and Riverside Counties, Calif., on the one hand, and, on the other, points in Honolulu and Hawaii Counties, Hawaii, and (2) between points in Honolulu and Hawaii Counties, Hawaii.

NOTE: Applicant states its capital stock is owned by Pacific Transportation and

Warehouse Co., Inc., as a common carrier under Docket No. MC 22987 and Subs thereunder. Previous publication made reference to points in Oahu County, Hawaii, inadvertently. Oahu is not a County. Reference should have properly been made to the County of Honolulu which encompasses the entire island of Oahu.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5247; Filed, June 6, 1961;
8:48 a.m.]

[Amendment No. 2 to Taylor's I.C.C. Order
No. 132—Under Revised Service Order No.
562]

RAILROADS IN ILLINOIS AND MISSOURI

Relicensing of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 132 (Railroads in the States of Illinois and Missouri) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 132 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., June 16, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 31, 1961, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 31, 1961.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61-5248; Filed, June 6, 1961;
8:48 a.m.]

[Docket 33757]

FRESH MEATS AND PACKING HOUSE PRODUCTS

MAY 26, 1961.

Notice is hereby given that the Perishable Traffic Carriers Defense Conference, Inc., a non-profit corporation, Alterman Transport Lines, Inc., Belford Trucking Company, Bonney Motor Express, Inc., Frozen Food Express, Inc., Refrigerated Transport Company, Inc., and Watkins Motor Lines, Inc. by their attorney, John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C., have filed a Petition (Docket No. 33757) with the Interstate Commerce Commission praying (1) that the following proceedings be consolidated for hearing upon a single record:

No. 33632, Fresh Meats, Minimum 30,000 Pounds, Ohio River Crossing to the South; No. 33633, Fresh Meats—WTL—

Official—SWL Terrs. to Southern Region; Investigation and Suspension Docket No. 7509, Fresh Meats, Ohio River Crossings to the South; Investigation and Suspension Docket No. 7510, Fresh Meats—WTL, Official & SWL Terrs. to South; Fourth Section Application No. 36701, Fresh Meats to the South; Fourth Section Application No. 36753, Meats and Packing House Products to the South; Investigation and Suspension M-14257, Split Delivery Service—From and To Various States; Investigation and Suspension M-14385, Meats & Packing House Products—Chicago to Louisiana, Investigation and Suspension M-14425; Fresh Meats & PHP—Chicago, Ill., to the South; Investigation and Suspension M-14375, Meats & PHP—Chicago, Ill., to Points in the South; No. 33737, Meats & PHP—St. Louis & E. St. Louis to Ala., Ga., Miss.; No. 33704, Meats & Related Articles—Minn., to South & Southwest; Investigation and Suspension M-14450—Meats and Packing House Products—St. Louis Area to South; and, (2) that the Commission institute a general investigation of the railroad and motor common and contract carrier rates, charges, rules, regulations, practices and minimum weights upon Fresh Meats and Packing House Products between points in the States of North and South Dakota, Colorado, Nebraska, Kansas, Minnesota, Iowa, Wisconsin, Missouri, Illinois, Indiana, and Ohio, on the one hand, and points in the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North and South Carolina, and Tennessee, upon the other hand, upon the ground that the present rates and those under suspension or investigation are unjust, unreasonable and non-compensatory and destructive of transportation service and of a reasonable, just and normal rate structure upon the commodities involved. Copies of the Petition may be obtained from said attorney.

Any persons interested in any of the matters in said Petition, may on or before June 30, 1961, file representations supporting or opposing the relief sought. An original and 14 copies of such representation must be filed with the Commission and must show service of two copies upon the petitioners' attorney at his above address.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-5249; Filed, June 6, 1961;
8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ARKANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September

6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated May 16, 1961, reading in part as follows:

I hereby determine the damage in the various areas of the State of Arkansas adversely affected by floods and tornadoes, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 1961:

The Counties of:

Baxter.	Lonoke.
Benton.	Madison.
Boone.	Marion.
Carroll.	Mississippi.
Chicot.	Monroe.
Clark.	Montgomery.
Clay.	Newton.
Cleburne.	Perry.
Cleveland.	Phillips.
Conway.	Pike.
Craighead.	Polk.
Drew.	Pope.
Faulkner.	Prairie.
Fulton.	Randolph.
Garland.	St. Francis.
Greene.	Scott.
Howard.	Searcy.
Independence.	Sebastian.
Izard.	Servier.
Jackson.	Sharp.
Jefferson.	Stone.
Johnson.	Van Buren.
Lawrence.	Washington.
Lee.	White.
Logan.	Woodruff.

Dated: May 26, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-5222; Filed, June 6, 1961;
8:45 a.m.]

INDIANA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated May 20, 1961, reading in part as follows:

I hereby determine the damage in the various areas of the State of Indiana adversely affected by floods beginning on or about May 5, 1961, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Indiana to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 20, 1961:

The Counties of:	
Bartholomew.	Lawrence.
Boone.	Martin.
Brown.	Monroe.
Davless.	Morgan.
Delaware.	Orange.
Fayette.	Pike.
Gibson.	Posey.
Grant.	Shelby.
Hendricks.	Spencer.
Henry.	Tipton.
Jackson.	Vanderburg.
Jefferson.	Vigo.
Jennings.	Warrick.
Knox.	Washington.
Kosciusko.	

Dated: May 25, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-5223; Filed, June 6, 1961;
8:45 a.m.]

TARIFF COMMISSION

[AA1921-19]

PORTLAND CEMENT FROM BELGIUM

Determination of Injury

JUNE 2, 1961.

On March 3, 1961, the United States Tariff Commission was advised by the Acting Secretary of the Treasury that portland cement, other than white non-staining portland cement, from Belgium, except as to importations from the firm of Cimenteries et Briqueteries Reunies, is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on April 28, 1961. Notices of the investigation and hearing were published in the FEDERAL REGISTER (26 F.R. 2064, 2735).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testi-

mony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously¹ determined that an industry in the United States is being injured by reason of the importation of portland cement, other than white nonstaining portland cement, from Belgium at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Portland cement is a standardized or fungible product the sale of which in a given market is generally contingent upon its price not being higher than the price of like competitive cement. It is a heavy, low-valued product which, by reason of transportation costs, can be sold economically only to users located within a relatively short distance from the cement plants (or port of entry in the case of imported cement). The imports of Belgian portland cement which are injuring the domestic industry concerned are entering at the ports of Port Everglades, West Palm Beach, Fort Pierce, Port Canaveral, and Jacksonville, Florida, and are being sold in a limited geographical area that is supplied with domestic portland cement by plants in or adjacent to the same area. This area, consisting of the east coast of Florida, is referred to herein as the "competitive market area." The domestic portland cement plants that have supplied such cement in that area and that have in recent years sold substantial quantities of such cement there, are considered to constitute "an industry" for the purposes of the Antidumping Act.

As a result of the sale of the particular portland cement by Belgian exporters at less than fair value, substantial quantities of such cement have been sold and are likely to be sold in the "competitive market area" at prices which compelled the domestic producers who historically supplied the pertinent market area to lower their established prices of like domestic cement below those that prevailed prior to the sales of such Belgian cement at less than fair value.

The industry concerned has lost a substantial volume of sales of such cement in such areas, which loss is directly attributable to the price of the imported cement made possible by reason of its sale at less than fair value by the exporters.

This determination and statement of reasons are published pursuant to section

¹ Commissioner Jones did not participate.

201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 61-5261; Filed, June 6, 1961;
8:51 a.m.]

[7-106]

PROCAINE AND SALTS AND COMPOUNDS THEREOF

Notice of Investigation and Hearing

Investigation instituted. Upon application of B. L. Lemke & Co., Inc., Lodi, New Jersey, received May 4, 1961, and Abbott Laboratories, North Chicago, Illinois, received May 21, 1961, the United States Tariff Commission, on the 1st day of June 1961, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether procaine, and salts and compounds thereof (except procaine penicillin), dutiable under paragraph 28 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting the concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on August 15, 1961, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The applications filed in this case are available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Custom House, where they may be read and copied by persons interested.

Issued: June 2, 1961.

By order of the Commission.

[SEAL]

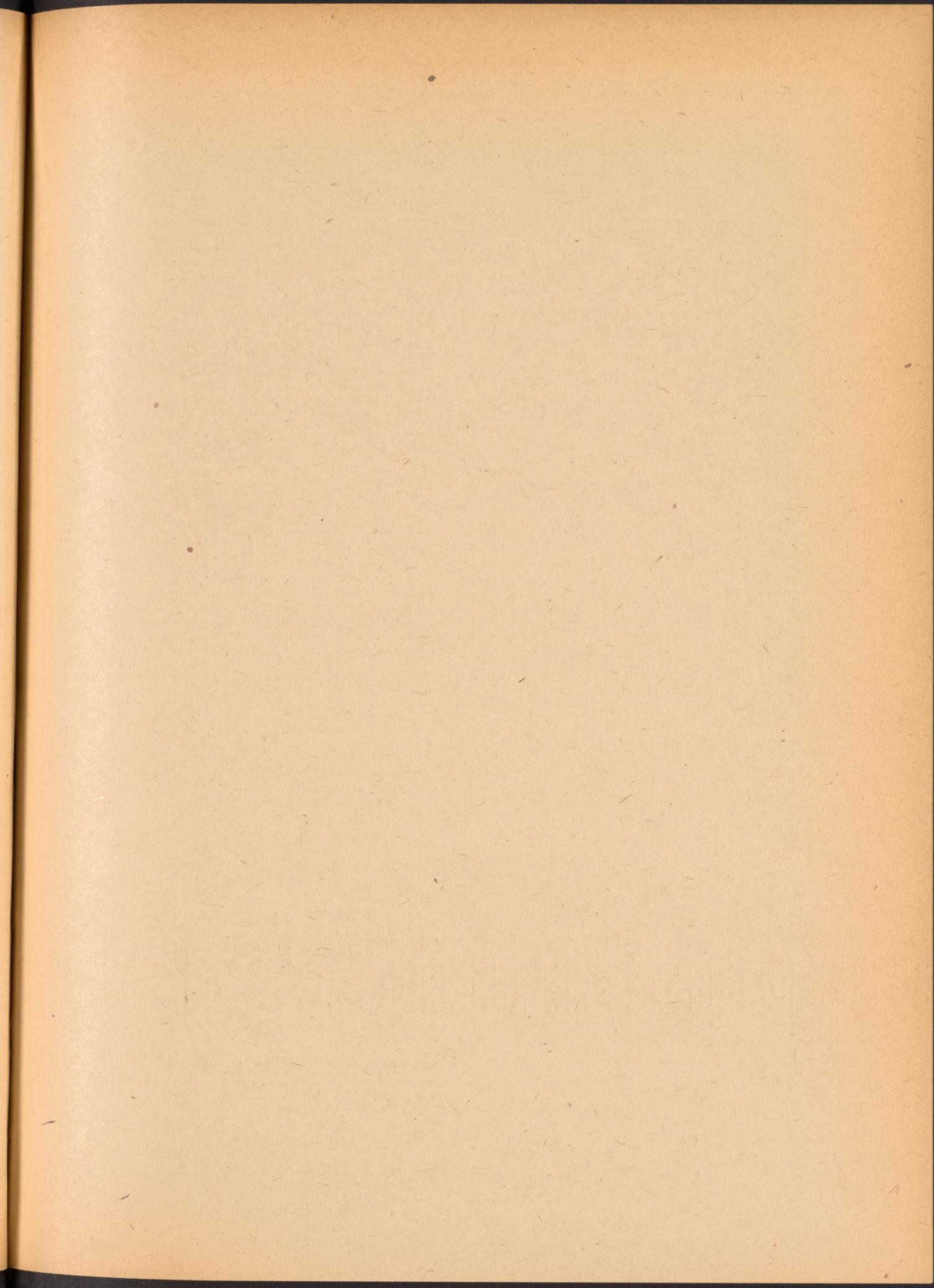
DONN N. BENT,
Secretary.

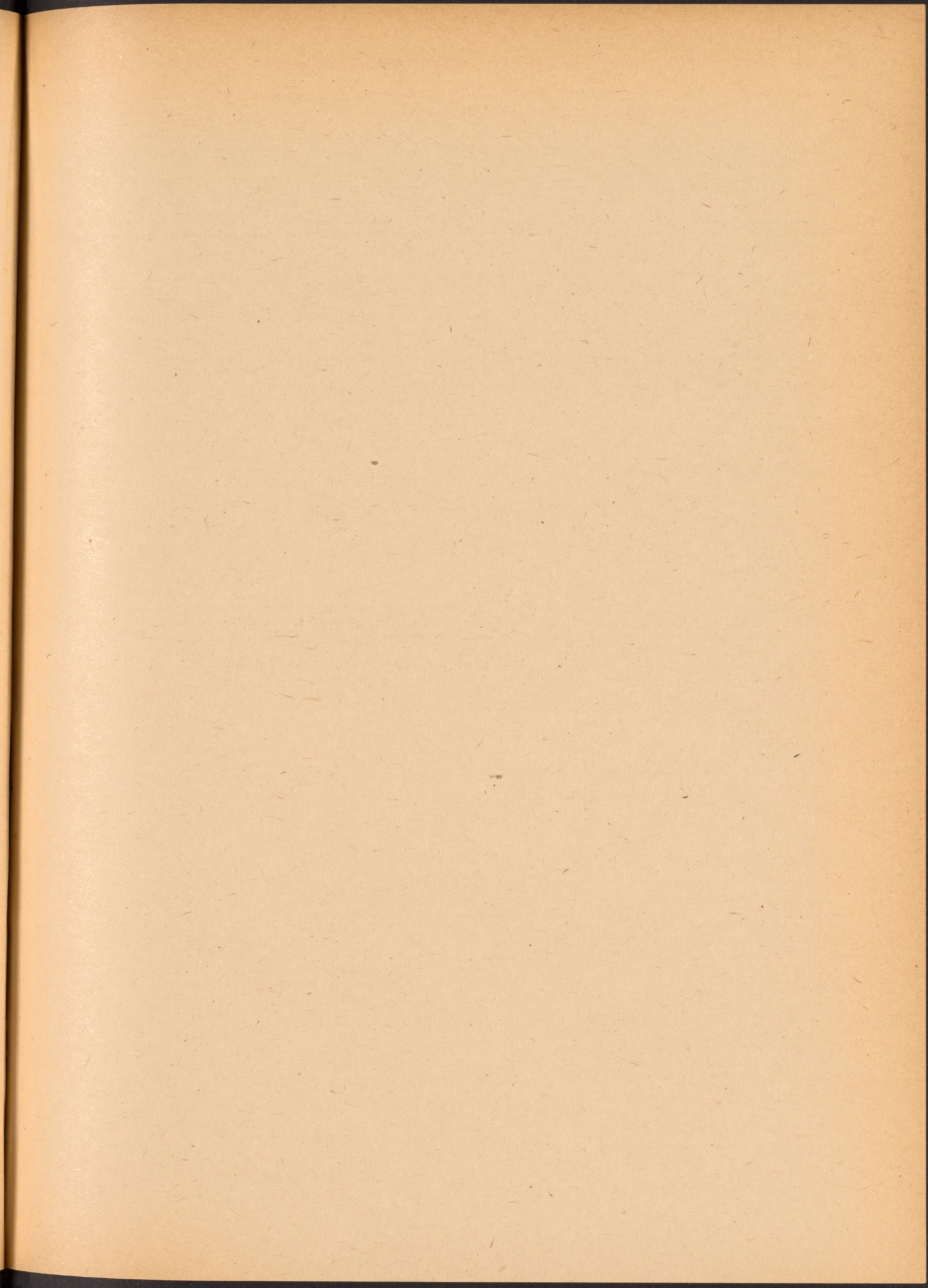
[F.R. Doc. 61-5262; Filed, June 6, 1961;
8:51 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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THE HISTORY OF THE

REPUBLIC OF THE UNITED STATES

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